S. Hrg. 98-1080

GREAT SMOKY MOUNTAINS WILDERNESS ACT

HEARINGS

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 1947

A BILL TO DESIGNATE CERTAIN LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK AS WILDERNESS; TO PROVIDE FOR SETTLEMENT OF ALL CLAIMS OF SWAIN COUNTY, NC, AGAINST THE UNITED STATES UNDER THE AGREEMENT DATED JULY 30, 1943, AND FOR OTHER PURPOSES

S. 2183

A BILL TO DESIGNATE CERTAIN LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK AS WILDERNESS, AND FOR OTHER PURPOSES

BRYSON CITY, NC, MARCH 16, 1984
WASHINGTON, DC, MARCH 27, 1984

Printed for the use of the
Committee on Energy and Natural Resources

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GREAT SMOKY MOUNTAINS WILDERNESS ACT

FRIDAY, MARCH 16, 1984

U.S. Senate,
Subcommittee on Public Lands and Reserved Water,
Committee on Energy and Natural Resources,
Bryson City, NC.

The subcommittee met, pursuant to notice, at 9:35 a.m., in the Federal Courthouse, Bryson City, NC, Hon. Malcolm Wallop, presiding.

Present: Senators Wallop and Helms.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator **Wallop**. Good morning to everyone.

Today we will receive testimony on two bills which deal with wilderness designations in the Great Smoky Mountains National Park and related issues. The first is S. 2183 introduced by my colleague and your senior Senator, Senator Helms, and S. 1947 introduced by Senator Sasser and Senator Baker.

The bills differ in acreage. Both provide for payment to Swain County, NC, and the bills differ in provisions for access to certain areas. Copies of both bills are available from the staff or on the table in the outside lobby.

We have well over 150 witnesses who have signed up to testify today, and in that order I just must ask those witnesses to summarize their oral testimony to 3 minutes and to hold onto your written statements until you are called to the table. I know that some of you have traveled some distance to be here with us today. If you have to catch a plane or leave for home before your panel is called, please let the staff know, and we'll try to accommodate you.

To be fair to everyone, I'm going to ask that you limit your oral testimony to 3 minutes, the prepared statements will be inserted in the record. A bell will ring when your 3 minutes are up. You can finish your thought. I don't like to limit the time that citizens may speak, but I believe this is the fairest way to allow everyone to be heard.

We have arranged witnesses in panels. You can determine which panel you are on by looking at the order of appearances on the witness list. You can obtain a copy of that list on the table or from the staff. We ask that the next panel of witnesses come to the front and take seats so that you can move into place quickly. It is a little like batting at a baseball game, with one panel testifying and another one on deck. If you are in the hole, start moving to the front. When you come to the witness table, please put your name, organization, if any, and the mailing address on the pad at the table.

The hearing today will be published by the committee in approximately 3 months. If you would like to have a copy of the hearing record sent to you, please put your name and address on the mailing labels provided at the table in the lobby. The hearing record will remain open until March 30. The public may submit statements to Senator Helm's office in Hickory or the subcommittee office in Washington, DC.

I want to express my pleasure at being able to be here, Jesse. I am fascinated by your country and by the bills that are in front of us. I would call on you, if you have a statement.

[The texts of S. 1947 and S. 2183 follows:]

II

98TH CONGRESS
1ST SESSION

S. 1947

To designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, OCTOBER 3), 1983

Mr. SASSER (for himself and Mr. BAKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Smoky Mountains Wilderness Act".

SEC. 2. In accordance with section 3(c) of the Wilderness Act (78 Stat. 892), certain lands in the Great Smoky Mountains National Park, North Carolina and Tennessee, which comprise approximately four-hundred and sixty-seven thousand acres (including the lands previously owned by Cities Service Company) and which are depicted on the map entitled "Proposed Management Zoning, Great Smoky Mountains National Park, North Carolina and Tennessee", and dated March 15, 1981, are hereby designated as wilderness and are made a part of the National Wilderness Preservation System. The map and the description of such lands shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior, and in the office of the superintendent of the Great Smoky Mountains National Park.

SEC. 3. The lands described are those classified in the January 1982, General Management Plan for Great Smoky Mountains National Park as Natural Environment Type I Subzone (including the tracts formerly owned by Cities Service Company). The classification incorporates most of the area recommended by the National Park Service in 1974 (revised in November 1979) for inclusion in the National Wilderness Preservation System. In this subzone, visitor uses and park management practices are to be of a transient nature and nonmotorized except in extreme emergencies involving either human safety or critical resource protection needs.

Except for special cemetery access provisions for the north shore of Fontana Lake (appendix D of the General Management Plan), visitor and normal administrative access will be only by foot or by horse and camping will be of the primitive back-camping type. Park operational facilities will only be necessary for safety, research, and communications. Such facilities will be small and will not be able to be located elsewhere.

SEC. 4. (a) The Secretary of the Interior and the Tennessee Valley Authority are directed to negotiate the transfer of certain legal rights and easements retained by the Authority over lands within the park, where such legal rights and easements are—

(1) inconsistent with the provisions of the Wilderness Act; or

(2) not necessary for the operation and maintenance of Fontana Reservoir and Dam.

(b) The tract of land formerly owned by the Tennessee Valley Authority, comprising approximately forty-four thousand acres, as described in the 1943 agreement referred to herein, shall be designated and administered as wilderness effective on the date of the enactment of this Act.

SEC. 5. The Secretary of the Interior is authorized to allocate funds and personnel necessary to place a suitable historical marker at or near the approach to the Cherokee

Qualls Reservation, at Soco Gap, in recognition of the historical importance of Soco Gap and the contribution of the Cherokee Nation.

SEC. 6. As soon as practicable after the date of the enactment of this Act, a map of the wilderness area and a description of its boundaries shall be filed with the Energy and Natural Resources Committee of the United States Senate and with the Interior and Insular Affairs Committee of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the map and legal description may be made.

SEC. 7. The wilderness designated by this Act, including section 4(b), shall be known as the Great Smoky Mountains Wilderness. It shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by such Act as wilderness areas, except that any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and reference to the Secretary of Agriculture shall be deemed, where appropriate, as a reference to the Secretary of the Interior.

SEC. 8. Swain County, North Carolina, claims certain rights acquired pursuant to an agreement dated July 30, 1943, between the Secretary of the Interior of the United States, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed. In order to settle and quiet all claims arising out of said agreement, the following provisions are made:

(a)(1) The Secretary of the Treasury shall be authorized to pay to Swain County, North Carolina, the sum of $9,500,000.

(2) The sum of $9,500,000 shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission; the principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered of said county; interest earned on the unexpended principal of said sum may only be expended by a majority vote of the duly elected governing commission of said county.

(b) Swain County, North Carolina, is relieved of any liability to make payments of principal and interest which become due after the date of enactment of this Act with respect to the loan (Case Numbered 3887000271600, Code Numbered 9704) obtained on October 12, 1976, from the Farmers Home Administration.

(c) The payment and relief from liability provided for in subsections (a) and (b) of section 8 of the Act shall constitute full and complete settlement of all claims of Swain County, North Carolina, against the United States of America, the Department of the Interior, and the Tennessee Valley Authority arising out of the agreement of July 30, 1943, and the United States of America, its departments and agencies, including the Department of the Interior, the National Park Service, and the Tennessee Valley Authority, hereafter shall be deemed to have performed said agreement in every particular.

SEC. 9. There are hereby authorized to be appropriated any sums necessary to carry out the provisions of this Act.

○

98TH CONGRESS
1ST SESSION

S. 2183

To designate certain lands in the Great Smoky Mountains National Park as wilderness, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 14), 1983

Mr. HELMS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate certain lands in the Great Smoky Mountains National Park as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Smoky Mountain Wilderness Act.".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Great Smoky Mountains National Park, North Carolina and Tennessee, which comprise approximately four hundred thousand acres and which are depicted on the map entitled "Great Smoky Mountains Wilderness, Proposed", and dated October, 1983, are hereby designated as wilderness, and are made a part of the National Wilderness Preservation System. The wilderness designated by this Act, shall be known as the "Great Smoky Mountains Wilderness". It shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by such Act as wilderness areas, except that any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and reference to the Secretary of Agriculture shall be deemed, where appropriate, as a reference to the Secretary of the Interior.

(b) As soon as practicable after the date of the enactment of this Act, a map of the wilderness area and a description of its boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the map and legal description may be made.

SEC. 3. (a) The Secretary of the Interior is directed to review all policies, practices, and regulations of the Department of the Interior regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in such wilderness area to insure that—

(1) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and

(2) policies, practices, and regulations are developed that will allow timely, and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.

(b) Congress does not intend that designation of the wilderness area lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(c) The Secretary is authorized to provide the handicapped with special access to such wilderness area in a manner consistent with the Wilderness Act.

SEC. 4. The Secretary of the Interior is authorized to allocate funds and personnel necessary to place a suitable historical marker at or near the approach to the Cherokee Qualls Reservation, at Soco Gap, in recognition of the historical importance of Soco Gap and the contribution of the Cherokee Nation.

SEC. 5. (a)(1) Swain County, North Carolina claims certain rights acquired pursuant to an Agreement dated July 30, 1943, between the Secretary of the Interior, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed. In order to settle and quiet all claims arising out of said Agreement, the following provisions are made:

(A) The Secretary of the Treasury shall be authorized to pay to Swain County, North Carolina, the sum of $9,500,000.

(B) The sum of $9,500,000 shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission.

The principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered voters of such county. Interest earned on the unexpended principal of such sum may only be expended by a majority vote of the duly elected governing commission of such county.

(2) Swain County, North Carolina, is relieved of any liability to make payments of principal and interest which become due after the date of enactment of this Act with respect to the loan (case numbered 3887000271600, Code numbered 9704) obtained on October 12, 1976, from the Farmers Home Administration.

(3) No money appropriated pursuant to this subsection shall be paid to or received by an agent or attorney on account of services rendered in connection with the claim settled by this subsection.

(b)(1) Notwithstanding any other provision of law and not later than eighteen months after the date of the appropriation under the authority of paragraph (4) of this subsection, the National Park Service shall provide limited motor vehicle access to the family cemeteries in existence on the date of the enactment of this Act in the Hazel Creek area of the Great Smoky Mountains National Park behind Fontana Dam. This access shall be provided from the western terminus of the North Shore Road to the site of the former village of Proctor by means of connecting, upgrading, and rehabilitating portions of back country roads as necessary to provide a ten-foot wide, nonpaved, primitive route.

(2) The Secretary may establish, by regulation, such reasonable conditions as may be necessary to assure that access provided under this subsection is consistent with the operation of the park. In prescribing such regulations, the Secretary shall consult with the Hazel Creek Cemetery Association.

(3)(A) Special access as provided for the north shore of Fontana Lake in Appendix D of the General Management Plan shall continue until construction of the limited access required by this subsection is complete.

(B) After limited access has been provided, the Department of the Interior shall be responsible for maintenance of such access.

(4) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection, but not more than an aggregate amount of $950,000. All sums appropriated pursuant to this paragraph shall be used for the sole purpose of building a limited motor vehicle access.

SEC. 6. (a) The designation of the Great Smoky Mountains Wilderness Area made by this Act shall be effective when the construction of the access required by section 5 is completed.

(b) Except as provided in section 5, there is authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

○

STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator **Helms**. Mr. Chairman, all of us are so deeply grateful to you for coming here this morning.

Malcolm, this meeting this morning gives the folks in this area who would be otherwise unable to attend Washington hearings a chance to participate in the legislative process, and I think that's vital.

Now, I know everyone here this morning joins me in welcoming you to Bryson City and Swain County—and, incidentally, this is known by those of us in North Carolina as the "Gateway to the Smokies."

Proposals to establish a wilderness area in the Great Smoky Mountains National Park, thereby resolving a longstanding controversy between Swain County and the Federal Government, have obviously generated quite a bit of interest, as the size of this crowd indicates. I realize there are many others who are anxious to testify, so I am going to try to limit my comments, but let me take just a few minutes, if I may, to clear up some misunderstandings about the legislation and address some concerns that I feel are important in western North Carolina.

Incidently, I don't want to appear harsh, but I think some of the misunderstandings have been contrived by some newspaper editors and some people who wish to prevail at all costs in their point of view.

Mr. Chairman, this year happens to be the 50th anniversary of what has become one of the most majestic and popular attractions in America, the Great Smoky Mountains National Park. In the very highest levels of Government there is interest in commemorating the occasion with a festive event of some sort. There is even talk of the President of the United States coming, but that is not definite as yet. We hope that there will be a ceremony, which will include the signing of legislation making the park the largest wilderness area east of the Mississippi River.

Now, I was pleased when our distinguished colleagues from Tennessee, Senator Baker and Senator Sasser, asked Senator East and me to assist in preparing that legislation. Now, unfortunately, and despite our best efforts, a bill was introduced in the Senate last fall which in my judgment neglected some concerns that had been expressed to me by the people of this area.

Now, I have always felt that Congress owes it to the people at least to consider and certainly not to ignore all interests. I elected to sponsor my own bill, S. 2183, because I simply could not and would not sit back and allow out-of-State interests to take over. However well-intentioned, we could not let them make judgments for western North Carolina without even giving the citizens here an opportunity to be heard.

Now, Mr. Chairman, despite what some critics of my proposal are saying, there really are only a few differences between my bill and the legislation introduced by the two distinguished Tennessee Senators, and these differences do not change the fundamental purpose of the legislation nor will they stand in the way of its passage, contrary to the constant editorial comment that I have seen.

The bills differ in two respects: One, the amount of wilderness area, acreage; and, two, the terms of settlement of the 1943 road agreement.

With regard to the acres of wilderness, I am convinced that much of the park is ideally suited for statutory wilderness protection. Large areas are without roads and motorized vehicles are prohibited in all but a few places. A network of trails enable outdoor enthusiasts to backpack and camp along ridge lines that are virtually untouched by today's civilization. There are no chain saws and no vacation homes or cabins.

Indeed, the Great Smoky Mountains exist much as they did generations ago when our ancestors began making their way westward, and I agree with those who feel that wilderness designation would be a fitting tribute to the park, if properly handled. But in the process we must not lose sight of the fact that with or without wilderness designation, park management will continue as it has for the past 50 years. The rub comes, however, when statutory protection threatens activities outside wilderness boundaries.

So, Mr. Chairman, instead of throwing a blanket over almost the entire park and calling it wilderness, my proposal would establish a core wilderness area so that those physically able to backpack and camp can enjoy a wilderness experience. For those interested in numbers, my proposal would add 407,717 acres to the National Wilderness Preservation System, a fact which I have not seen mentioned in the critical news media, which are only sometimes accurate.

My bill exempts from wilderness designation all major roads and tourist sights in the park, most of which are in Tennessee. It also excludes 44,170 acres north of Fontana Lake, and it creates a buffer of sorts between the Cherokee Indian Nation and the wilderness.

I anticipate we will hear testimony today from North Carolina citizens, including the Cherokees, who are concerned that wilderness designation of those area could result in lengthy court battles over the use of adjoining lands, including the lake. And, my friends, I say to you that we need less litigation in this country, not more. It seems to me that even the possibility of disrupting current activities should cause us to approach this wilderness legislation carefully and to endeavor to eliminate or reduce possible litigation that could be raised in the future.

Mr. Chairman, the other significant difference between the two bills pertains to the settlement of the so-called north shore road dispute. In addition to the payment of $9.5 million to Swain County and forgiveness of a debt owed to the Farmers Home Administration, my bill authorizes construction of an unpaved roadway north of the lake that will enable former residents of the area to visit family cemeteries and former homesteads. Now, I included this for the purpose of consideration, because I simply do not believe that the Federal Government should take lightly any commitment it makes with the people of this country. [Applause.]

Senator WALLOP. Jesse, if you will forgive me, these hearings are always full of a lot of emotion and there will be people on both sides of each issue—and I understand the reaction that you had—but if we permitted reaction on one side, we will have to permit it on the other. We have 450 minutes' worth of people to testify here today, at the very least, and so I ask your indulgence of me as I try to keep order in this room. I compliment the folks who believe in what you just said, but there are feelings on both sides of this issue and I simply must establish order now, and I ask your indulgence in that.

Thank you.

Senator **Helms**. Thank you, Mr. Chairman.

In 1943, the U.S. Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County entered into an agreement concerning land that is now north of the lake. Mr. Chairman, in return for the right to flood thousands of acres and key roadways in the creation of Fontana Lake, the Interior Department pledge—it made a solid commitment—to build a road along the north shore from Bryson City to Fontana Village.

The question is, Mr. Chairman, should that pledge, that commitment, now be abandoned without any consideration?—and this Senator says no. A generation has passed, and western North Carolina has gotten nothing from the Federal Government but backpedaling. A few years ago, Swain County was even threatening to take back the land it gave up unless the road was built. Now, this indicates, I think, the justifiable resentment that any citizen of this country would have when it sees its own Government renege on a commitment.

And, furthermore, I have not forgotten the small group of citizens who came to me in Raleigh shortly after I was first elected to the Senate. They told me of the string of broken promises, and they asked what I thought was just simple justice; that I take their case to Washington, and I made a commitment to them that I would do the best I could to see that their interests were fairly represented in the Congress of the United States.

I recognize that gradually escalating costs and vocal opposition from environmental groups have lessened the prospects of building the original north shore road, but I am not asking for that. I am simply asking that Congress consider widening an existing trail along the edge of the lake to permit the families to visit their heritage. I genuinely believe it could be done without interfering with the overall management of the park.

Mr. Chairman, you'll understand what I mean when I say that some editors have been working me over, because I believe that North Carolina citizens deserve a fair shake in this matter. I have been and I will remain optimistic that legislation can be prepared that will be satisfactory to the interests of both States.

Mr. Chairman, I pledge my earnest efforts in that regard. I look forward to the early passage of fair, equitable, and honorable legislation which will not push aside commitments made a long time ago.

I thank you, Mr. Chairman, for granting me the time.

[The prepared statement of Senator Helms follows:]

Mr. Chairman, I want to express my sincere thanks and appreciation to you and your staff for making arrangements to be here today. It gives citizens living in this area who would be otherwise unable to attend Washington hearings a chance to participate in the legislative process. I know everyone here this morning joins me in welcoming you to Bryson City and Swain County -- North Carolina's "gateway to the Smokies."

Proposals to establish a wilderness area in the Great Smoky Mountains National Park and resolve a long-standing controversy between Swain County and the federal government have generated quite a bit of interest here, as the size of our crowd this morning indicates. I realize there are many others who are anxious to testify, so my remarks will be brief. I would like to take just a few minutes to clear up some misunderstandings about the legislation and address some concerns that I feel are important in western North Carolina.

Mr. Chairman, 1984 marks the 50th Anniversary of what has become one of the most popular attractions in the Nation -- the Great Smoky Mountains Naitonal Park. At the very highest levels of government, there is interest in commemerating the occasion with a festive event of some sort, including the signing of legislation making the park the largest wilderness area east of the Mississippi River. I was pleased when our distinguished colleagues from Tennessee, Senator Baker and Senator Sasser, asked Senator East and I to assist in preparing that legislation.

Unfortunately -- and despite our better efforts -- a bill was introduced in the Senate last fall which I did not think adequately addressed some concerns that had been expressed to me by residents of this area. Recognizing that it is my responsibility to see that Congress at least considers all interests fairly, and especially those in my homestate, I elected to sponsor my own bill, S. 2183. I simply could not sit back and allow out-of-state interests to determine the fate of western North Carolina without giving citizens here an opportunity to be heard from.

Mr. Chairman, despite what some critics of my proposal are saying, there is really only a handful of differences between my bill and the one introduced by Senator Baker and Senator Sasser.

And even then, I do not feel those differences change the overall purpose of the legislation or will stand in the way of its passage.

The bills are different in two respects: (1) the amount of wilderness acreage, and (2) the terms of settlement of the 1943 Road Agreement.

With regard to acres of wilderness, I genuinely believe much of the park is ideally suited for statutory wilderness protection. Large areas are without roads and motorized vehicles are prohibited in all but a few places. A network of trails enable outdoor enthusiasts to backpack and camp along ridgelines that are virtually untouched by today's civilization. There are no chain saws and no vacation homes or cabins. And indeed, the Great Smoky Mountains exist much as they did generations ago when our ancestors began making their way westward. I agree with those who feel wilderness designation would be a fitting tribute to the park -- if properly handled.

In the process, we must not lose sight of the fact that, with or without wilderness designation park management will continue as it has for 50 years. The rub comes, however, when statutory protection threatens activities outside wilderness boundaries.

Mr. Chairman, rather than throwing a blanket over almost the entire park and calling it wilderness, my proposal would establish a "core" wilderness area so that those physically able to backpack and camp can enjoy a "wilderness experience." For those interested in numbers, it would add 407,717 acres to the National Wilderness Preservation System.

My bill exempts from wilderness designation all major roads and tourist sites in the park -- most of which are in Tennessee, by the way. It also excludes 44, 170 acres north of Fontana Lake and creates a "buffer" of sorts between the Cherokee Indian Nation and the wilderness. I expect we will hear testimony from North Carolina citizens, including the Cherokees, who are concerned that wilderness designation of those areas could result in lengthy court battles over use of adjoining lands, including the lake.

It seems to me that even the possibility of disrupting current activities should cause us to approach this wilderness legislation carefully, and to see if we cannot provide some way to eliminate or reduce possible litigation that could be raised in the future.

Mr. Chairman, the other significant difference between the two bills pertains to settlement of the so-called "North Shore Road dispute." In addition to the payment of $9.5 million to Swain County and forgiveness of a debt owed to the Farmers Home Administration, my bill authorizes construction of an unpaved roadway north of the lake that will enable former residents of the area to visit family cemetaries and former homesteads.

In 1943, the U.S. Department of the Interior, the Tennessee Valley Authority, the State of North Carolina and Swain County entered into an agreement concerning land that is now north of the lake. In return for the right to flood thousands of acres and key roadways in the creation of Fontana Lake, Interior pledged to build a road along the north shore from Bryson City to Fontana Village.

A generation has passed and western North Carolina has gotten nothing from the federal government but back-peddling. A few years ago, Swain County was even threatening to take back the land it gave up unless the road was built.

I have not forgotten the small group of people who visited me in Raleigh shortly after I was first elected to the Senate. They told me of the string of broken promises and asked that I hold "feet to the fire" in Washington. I remember assuring them I would do the best that I could and at least see that their interests were fairly represented in Congress. I think it is shameful for a person, let alone a government, to default on a commitment.

I recognize that gradually escalating costs and vocal opposition from environmental groups have made the prospects of building the orginial North Shore Road remote. But I am not asking for that. I am simply asking that Congress consider widening an existing trail along the edge of the lake to permit families to visit their heritage. I genuinely believe it could be done within the overall management goals of the park.

Mr. Chairman, some "liberal" newspaper editors have been working me over because I believe North Carolina citizens deserve a fair shake in this matter. I have been, and remain, optimistic that legislation can be written that will be satisfactory to residents of both states. I pledge my earnest efforts in that regard and look forward to early passage.

Senator **Wallop**. Thank you, Jesse. I appreciate it. I understand what you are saying, and we will surely take a very serious look at that. It's clear that this country, when it makes a commitment, should live by that to the maximum extent possible.

The next witness is Mr. Richard Jones, representing the Honorable John East. He probably hasn't been able to get here yet. He wasn't able to come up in the helicopter with us.

Wayne McDevitt, representing the Honorable James Hunt, Governor of North Carolina.

Welcome, Mr. McDevitt.

STATEMENT OF R. WAYNE McDEVITT, DIRECTOR, STATE OF NORTH CAROLINA, ON BEHALF OF GOV. JAMES B. HUNT, JR.

Mr. **McDevitt**. Thank you very much.

Senator Wallop, I thank you for this opportunity to come before you today. Being a native of western North Carolina, I welcome you on behalf of Governor Hunt.

Thank you for this opportunity, Senator Helms, and we thank you for the opportunity to address this very important matter.

Governor Hunt has asked me to testify before you today, and I have submitted to you copies of my remarks, which you now have before you.

In 1943 the Federal Government, through the Department of the Interior and the Tennessee Valley Authority, executed an agreement with Swain County and the State of North Carolina to construct a road along the north shore of Fontana Lake to replace North Carolina 288 which was inundated by the Lake.

Now, 40 years later there is no road nor a compensatory settlement. There have been several attempts to resolve the problem—all of them unsuccessful.

In 1980 I served on the committee appointed by Secretary of the Interior Cecil Andrus to study proposals to bring about a resolution of the 1943 agreement.

I've been to the cemeteries and I've talked with many of the families and the descendants of the people who moved from their homes with the creation of Fontana Lake and the park. It was very difficult for these families to leave their homes and grave sites of loved ones behind. None of us can really appreciate the heartache they felt unless we, ourselves, have experienced it. It's imperative that we continue to maintain a total commitment to insuring safe and readily available access to the cemeteries located within the boundaries of the Great Smoky Mountains National Park, no matter how isolated nor how often the families wish to visit.

Additionally, while the citizens of Swain County and, indeed, all of North Carolina are proud that they hold this park land in trust for millions of people to enjoy each year, Swain County also faces the economic realities of such a situation. Federal ownership of over 80 percent of the land in Swain County has caused the county's tax base to be reduced and its growth options to be constrained.

Historically, the unemployment rate in Swain County has been two to three times higher than the State average. Not only is the county entitled to compensation under the 1943 agreement, but the county needs this compensation to assist in the development of its remaining economic base.

For 12 years now, as Lieutenant Governor and as Governor of North Carolina, Governor Hunt has been an active participant in the ongoing negotiations to find a resolution to the 1943 agreement.

In fact, in 1980 he lobbied in Washington for a resolution of the problem, knowing at that time that we had the backing of the Office of Management and Budget and the Department of the Interior. His efforts have been continuing and bring me before you today.

We firmly believe that we are currently presented with the best opportunity ever to resolve this controversy which has been a handicap to the citizens of Swain County far too long.

At the same time we can insure that the resources of the park and Fontana Lake can be preserved so that future generations of boaters, trail riders, hikers, fishermen, and all others who simply partake of the esthetic enjoyment of this park can continue to enjoy them just as we do today.

To provide that settlement, to insure continued access to Fontana Lake and the Great Smoky Mountains National Park, we support the Swain County Commissioners and Senate bill 1947.

After 40 years we believe that we are today as close to a full consensus as can be reached and that the best and probably the only avenue for resolution available is embodied in the bill sponsored by Senator Baker and Senator Sasser.

Senate bill 1947 evolved from a coalition of groups with many varied interests in the park. That kind of widespread support is imperative for the enactment of any legislation. This bill has hammered out on the anvil of compromise, and like any delicate compromise, if we start pulling at those threads which bind the compromise together, we run the risk of losing the whole package.

The Baker/Sasser bill is an excellent example of bipartisan cooperation. Senator Baker as Republican majority leader of the U.S. Senate, Senator Sasser as a Democratic Member of that same body, Jim Hunt as Democratic Governor of North Carolina, and Governor Alexander, a Republican, have all endorsed this settlement. It is not a partisan issue.

The three major elements of this bill are:

First, it provides for a cash settlement of $9.5 million and relieves Swain County of its indebtedness of the Farmers Home Administration loan for Swain County High School amounting to another $1.3 million.

Second, the wilderness provisions of the bill have broad support in the Congress since the recommended acreage follows closely the recommendations of the National Park Service in its 1981 General Management Plan. The recommendations made in that plan were not easily determined. Years of careful study by experts with full and open public review and comments were used to reach the recommended acreage. The process used to reach these recommendations represents our democratic process at its best. And we should remember that the park is already being managed as a wilderness and that the Baker/Sasser bill would simply put the current park management practices into law.

The third purpose of the bill is to insure safe, ready, and cost-effective access for all relatives to the burial place of their loved ones. The best way to insure continued access to the cemeteries is to formalize the Park Service's current policy of providing transportation across Fontana Lake. The Baker/Sasser bill provides for the first time the guarantee that access to the cemeteries will be provided by the National Park Service.

The construction of a road has been proposed as an alternative to the current policy. We submit that a 10-foot-wide primitive road, which would be tremendously expensive to build and maintain, impassable in bad weather, prone to erosion and potentially very unsafe for those who would travel it, would make the cemeteries no more accessible than they are now.

In the mid sixties a segment of road was built and then construction was halted at the tunnel beyond Nolan's Creek. Construction was halted due to environmental concerns. Since that time there have been discussions of other roads being built. Each time those proposals have met with overwhelming opposition.

Those concerns which have halted construction in the past are every bit, if not more, as real today as they were then, and we have every reason to believe that due to those same concerns no road of any design will ever be built.

The reality of the situation tells us that an attempt to build any road would result in an immediate court challenge and would force us into litigation which could drag on for generations. We must face that reality and acknowledge that the Baker/Sasser bill is a serious attempt to deal with that reality, face facts and provide a settlement by insuring continued access to the cemeteries by way of Fontana Lake.

Right here in Swain County we've heard the rumors about closing 441, closing access to Fontana Lake, creating a buffer zone around the park, closing the campground, prohibiting fishing and horseback riding. The people who have really taken time to study the Baker/Sasser bill know that those rumors are simply not true.

In fact, Congressman Jamie Clarke is securing amendments to the bill that will specifically write into the bill language that will prohibit closing U.S. 441 and will forbid buffer zones around the park. We support those amendments.

The issue before us, today is a choice of which course we should pursue, a course that will insure a prompt, equitable, and honorable cash settlement of the Federal Government's obligation to Swain County, continued good management of the park as we have become accustomed, and due consideration to our citizens who have loved ones buried within the park boundary.

The Baker/Sasser bill best meets this challenge. Other proposals do not have the widespread backing of Senate bill 1947. We cannot in good conscience choose a course that burdens Swain County with another 40 years of waiting for a just settlement.

If any of these other proposals go forward instead of the bill sponsored by Senators Baker and Sasser, this will simply be another chapter in how the 1943 agreement was almost, but not quite, resolved.

Chairman Wallop, we believe that we here in western North Carolina have been blessed a little more than other Americans with the beauty of our land. This land is our heritage left to our stewardship with the belief that we must leave to future generations a sense of pride rather than one of apology. We believe that the Baker/Sasser bill insures that heritage while being sensitive to the obligation that the Federal Government has to the many citizens of Swain County.

Chairman Wallop, the State of North Carolina gives its fullest support to Senators Baker and Sasser and to the commissioners of Swain County in their endorsement of Senate bill 1947 and encourages its adoption by the Senate Subcommittee on Public Lands and Reserved Water by the Committee on Energy and Natural Resources.

I thank you very much.

Senator WALLOP. Thank you, Mr. McDevitt. I have just two questions, and one of them is, Does it concern you at all that in the Baker/Sasser bill the cemetery access provisions are dependent on the appendix of the general managment plan and that the Park Service can change its mangement plan, as it should, from time to time?

Mr. McDEVITT. Would you repeat your question, sir?

Senator WALLOP. The question is: The Baker/Sasser bill provides for access, special cemetery access, which is based on the appendix of the Park Service's general management plan today, but the Park Service should from time to time review its entire management plan. And if they change that by reference here, there would be no statutory protection of the people's access. Does that concern you as representative of the Governor?

Mr. McDEVITT. Yes. As we understand it, this by law would give access, permanent access, for the first time ever. It would give that guarantee.

Senator WALLOP. It would not. As a matter of specifics, it would not, if the Park Service changed the management plan. It references it only as it is now, but it's just a reference, and I am asking you if it concerns you.

Mr. McDEVITT. It is our understanding that this guarantees access. We have been assured actually by staff members and others that the language of that bill would guarantee that access.

It is our intention, Chairman Wallop, that we establish a mechanism through this process to establish permanent access by way of Fontana Lake to those cemeteries. We want nothing but that.

I have met, as I said earlier, with the cemetery association. They know of the advocacy on my part through all processes that they get that access. If, in fact, as you are saying that is the case, then we would support, as this group that developed this compromise supported, this type of access to the cemeteries. We very strongly support that, and we would support that through the amendment process, if, in fact, what you are saying is the case.

Senator WALLOP. I would suggest that you look at it, because it readily references an appendix of the general management plan that exists today, but, as you know, management plans are subject to change at certain times.

Mr. McDEVITT. Sure. We went through that process recently.

Senator WALLOP. The other question I would have is that if you're supporting, in order to make the Baker/Sasser bill agreeable, certain amendments that are out there, why are those amendments more or less controversial or more or less likely to unravel the support that it has than to approach the bill from a perspective of the other Senate bill?

Mr. McDevitt. Because we were a party to that compromise.

Senator Wallop. But I am suggesting to you that the compromise is still not satisfactory. In your testimony you are calling for an amendment to it.

Mr. McDevitt. Sure. We know the intent of the parties of that compromise, and the intent of the parties to that compromise was that 441 continue to be open, that the payment be a direct payment to the county, that there be no buffer zones, that there be continued access to those cemeteries. We know the intent of that compromise, and we also know that the intent of that compromise was very strongly against the building of the road.

The parties to that compromise felt very strongly about those issues. We are supporting those amendments because rumors about those particular points have developed since that time.

Senator Wallop. I understand that. I would just say that from my experience nothing one does will stop rumors about legislation until long after it's there, and even then rumors continue. But I am suggesting that if the compromise still requires amendment, then it ought to be within the constraints of the committee to look at all the proposals that are down here.

Senator Helms?

Senator Helms. Thank you, Mr. Chairman. I have only a couple of questions.

Mr. McDevitt, I don't question your sincerity one iota, but who told you that we would risk losing the whole package if this compromse is not adopted as is?

Incidentally, the testimony before the Agriculture Committee was—and I think you were there—that there would be no amendment—none, none. Now here you are saying we are going to have one. Who told you that the whole package would be placed in risk? Senator Baker doesn't feel that way. I haven't talked to Senator Sasser. I have talked to Lamar Alexander.

Now, have they told you that the whole thing will be in jeopardy?

Mr. McDevitt. We have communicated with Governor Alexander's office.

Senator Helms. I didn't communicate with his office. I communicated with the Governor, himself.

Now, who told you that the package would be at risk? Who is going to kill it, if it is amended?

Mr. McDevitt. Sir, the parties that developed the compromise—The Swain County Commissioners believe that.

Senator Helms. Well, how do we know?

Mr. McDevitt. Sir, we continue to have threats of litigation, and we, too, believe, as you do, that the courts—that we should not have more litigation, but less.

Senator Helms. Let me ask you this: Are you going to oppose this bill if it is amended?

Mr. McDevitt. Not with the amendments.

Senator Helms. Is the Governor going to oppose it?

Mr. McDevitt. Not with the amendments I mentioned.

Senator Helms. I am talking about giving some attention to the concerns of the people in Swain County. There is no referendum held here. It's easy to compromise away somebody else's rights, you know. Now, I suspect that's why so many people are here.

What I want to know, if I may repeat my question, who told you that the legislation would be at risk if it's amended?

Mr. McDevitt. Well, you asked me two questions.

Senator Helms. I want you to answer both of them.

Mr. McDevitt. OK. The Governor will not oppose Senate bill 1947, the Baker/Sasser bill, if it is amended with the amendments that I stated in the public statement today. If there are further amendments, sir, we would have to see those amendments before we would take a position on those amendments.

Senator Helms. Be specific.

Mr. McDevitt. To answer your question about the support of Swain County, giving something to the people of Swain County, we very strongly believe that that bill gives a just settlement to the people of Swain County and that anything other than that particular bill will simply hinder the cause and cause it to go into decades again, 40 more years of an unsettled argument.

Senator Helms. Well, of course, this is a boogeyman that everybody reaches for to make his own point, but I wish you could answer for me who told you that the bill would be in jeopardy. If, for example, the 407,717 acres is set aside as wilderness, would you oppose it?

Mr. McDevitt. We will oppose it unless the entire 460 somethousand acres are in it, yes.

Senator Helms. Now, if we try to establish some assurance with the Cherokees along the line that I have suggested, you will oppose that; is that correct?

Mr. McDevitt. Is that a buffer zone?

Senator Helms. Yes.

Mr. McDevitt. That's an amendment to the bill?

Senator Helms. Yes.

Mr. McDevitt. We would have to see the amendment. We haven't seen the amendment, sir.

Senator Helms. Well, Mr. Chairman, I think I have got the story from this young man. I have no further questions.

Senator Wallop. Thank you, Senator Helms.

Thank you, Mr. McDevitt. I appreciate your testimony this morning on behalf of the Governor.

The next is former Congressman William Hendon from the 11th Congressional District, State of North Carolina.

STATEMENT OF HON. WILLIAM M. HENDON, A FORMER U.S. REPRESENTATIVE FROM THE STATE OF NORTH CAROLINA

Mr. Hendon. Good morning, Mr. Chairman.

Mr. Chairman, Senator Helms, the people of Swain County and all of western North Carolina appreciate your coming to visit with us today. We need your help, and you alone are in a position to help us.

Gentlemen, before you in the Helms' bill is an opportunity to right a terrible wrong that has been inflicted upon the proud mountain people of western North Carolina. Senator Helms' bill is a compromise, and I believe, Mr. Chairman, a just compromise. The passage of any other bill in my opinion would be a tragic mistake and would only add to the injustice that brings us here today.

As with any compromise, the Helms' bill gives no one side or group all it wants or perhaps all it deserves. Certainly the people of Swain County will not get what they deserve in the $9.5 million cash settlement, but most are willing to compromise and settle for that amount. They will not get the road they were promised, but they are willing to compromise.

Additionally, though many western North Carolina people believe that we have enough wilderness in western North Carolina, most, again, are willing to compromise and go along with the carefully controlled wilderness designation in the Helms' bill, given certain ironclad assurances.

One of those assurances is that U.S. 441, the lifeblood of our economy, will remain open and traffic be allowed to flow across it unencumbered forever.

Another assurance is that these mountain people you see here today will likewise forever be able to visit the graves of their loved ones on the north shore, and not in a barge, Mr. Chairman, but across a primitive access road—much more primitive, I might add, than many of the roads that currently crisscross the north shore. Only the Helms' bill, Mr. Chairman, guarantees this land access to the cemeteries.

One final assurance Mr. Helms' bill includes is the guarantee of the continued recreational use of Fontana Lake. Recreational use of Fontana is, of course, crucial to our economy and our western North Carolina way of life, and the other bills make no provision for guaranteeing the continuation of the recreational uses we now enjoy. And should such guarantees be offered to the other bills by amendment, the bill would be subject to the continuous court battles similar to that surrounding the Boundary Waters Canoe Area Wilderness in Minnesota.

The only way, Mr. Chairman, to avoid this divisive controversy and assure continued recreational use of Fontana Lake is to, as the Helms' bill does, exclude the north shore from wilderness designation. Only the Helms' bill does this, and thus only the Helms' bill insures that houseboats and motorboats will continue to ply Fontana Lake.

It is important to note, Mr. Chairman, and someone has previously, that under the Helms' bill the 44,000-acre area on the north shore excluded from wilderness designation will continue to be managed as wilderness, just as it is today.

Mr. Chairman, in conclusion, these mountain people are willing and ready to compromise, and I urge the committee to right a wrong over 40 years in the making by passing this carefully crafted compromise proposed by the senior Senator from North Carolina. The bill first compensates the people of Swain County, and then gives all the remaining sides a fair shake: The Bass Anglers Sportsmen's Society and the Wilderness Society, the Graham County Sportsmen's Club and the Sierra Club, city folks and country folks, people from all over western North Carolina and people from all over America.

Mr. Chairman, we all win with the Helms' bill and only with the Helms' bill.

Thank you.

Senator WALLOP. Thank you, Congressman Hendon. I expect a little concern—and I appreciate your testimony, because it tells me we still have some work to do. Neither bill really addresses restrictions of use on Fontana Lake waters, and clearly I think, what we want to have happen is to have a clear expression of what that use would be contained in it. To the extent that neither bill addresses it, perhaps Jesse ought to consider something that does assure the continued use.

Mr. HENDON. Mr. Chairman, if you will excuse me, the Helms' bill does address it indirectly by excluding the north shore from wilderness and then we don't have a problem.

Senator WALLOP. I understand that, but the restrictions on it, if there are to be any, can be administratively applied, and I think that may be one of the things we do not want to see happen under any circumstance.

Thank you very much.

Now, it is my understanding that Richard Jones from Congressman East's office is here.

STATEMENT OF HON. JOHN P. EAST, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA, AS PRESENTED BY RICHARD JONES, LEGISLATIVE ASSISTANT

Mr. JONES. Thank you, Mr. Chairman.

My name is Richard Jones and I am legislative assistant for Senator East. Senator East has asked me to come down here to present his statement on this hearing.

Thank you, Mr. Chairman, for scheduling this important hearing on S. 2183, to designate certain lands in the Great Smoky Mountains National Park as wilderness, to provide for settlement of claims by Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes, and on Senate bill 1947, to designate the Great Smoky Mountains National Park as wilderness and for other purposes:

I will read for Senator East.

I am pleased this morning to give testimony in support of S. 2183 which Senator Helms and I introduced to resolve a longstanding dispute between Swain County and the Federal Government and establish a core area of wilderness in the park.

I believe the proposals we have before us today go far to accommodate the various interests involved in this area. These proposals have sparked a great deal of interest in Tennessee and North Carolina, and we should expect to hear frank testimony today in Bryson City.

I applaud my distinguished friend and senior colleague from North Carolina, Senator Helms, for taking the initiative to request this field hearing. In the legislative process, Mr. Chairman, it is essential to give these citizens coming to testify a first-hand chance to remark on this legislation and how it affects them. I again thank you, Mr. Chairman, for taking time from your busy schedule to come to this beautiful part of our State to listen and record what will be said.

Senator Helms and I have been working together with the Senators from Tennessee and others to sort out this problem. I am confident that we can, with your assistance, Mr. Chairman, and the help of the good people who have interest in this matter, both here and in Washington, resolve this land-and-settlement issue once and forever.

The legislation Senator Helms and I have offered is not solely the business of the various committees of jurisdiction in the House and Senate, the National Park Service and the President of the United States; it is also the business of us all. It is the business of every man, woman and child in western North Carolina. It is nonpartisan and we each have a stake in it.

Since no one has a monopoly on the facts, we work together. This is the very cornerstone of the domestic legislative process, exchange ideas with others who are most affected. By so doing we set the facts straight. We cooperate on an understanding of the facts, and we build a fair and equitable proposal.

As most in this room know, I have made extensive effort to search out the positions of people in western North Carolina regarding this subject. I have exchanged letters and conversations and have sent staff here directly to hear western North Carolina's viewpoint. The settlement of the Swain County dispute is a priority of mine. It is an issue that has too long been snarled in bureaucratic red tape and misguided promises and misguided intentions. I support a fair and equitable remedy to the problem.

A former Secretary of the Interior visited the people of this area to proclaim support of "a Fontana Agreement Settlement in one form or another." He toured the area and stated that a settlement is a matter of keeping faith with the people. I agree full-heartedly that faith should be kept by the Government.

President Reagan has rightly pointed out that this country's strength rests not only in defense capability and economic strength but in a deeply felt moral faith as well. In a free government it is the moral strength that binds us together. It seems to me that to preserve this strength we need to accommodate arrangements reached in good faith, to build upon these arrangements, to pass on them, in our turn, and make them as sound, as strong, as good as ever. It seems to me that's the essential all of us here today have to consider.

The final legislation should not be mere reflex action—all or nothing. I have every confidence that this hearing will be given close study. The policy in this area should ignore no people, if it is to be truly permanent and all inclusive. It should touch upon all factions, be decent and right.

I would like to comment briefly on the road issue which it seems to me has became the most controversial part of this legislation. The road issue is important. When TVA took over this land for the Fontana Lake project, the people who were settled here were dislodged from their homesteads and resettled. These people left behind their homeland, heritage, and ancestors on the promise that a north shore road would be built. This has not occurred.

Moreover, the land that was once inhabited by these people was not needed for the overall Fontana Lake project. It was deeded over to the National Park Service. The north shore road was started. Several miles of it are completed. It ends six miles inside the Park and is called by most in this area the "Road to Nowhere."

Mr. Chairman, S. 2183 calls for a modest, primitive logging-style path to run from the tunnel at the end of the constructed roadway to Hazel Creek, North Carolina. The terminus of this trail would be the former site of Proctor, North Carolina. Much of this trailway is already in place. The terrain along the north shore was previously traveled by former inhabitants. Carts, wagons, and other vehicles and people have made their way along parts of this route before.

Mr. Chairman, completion of this improved access to family cemeteries to the north of the Lake inside the Park would enhance the settlement. It could be accomplished for little cost with little damage to the mountain area environment. In my mind it is a just reminder of the faith many hold in our Government, a promise fulfilled in spirit.

In conclusion, Mr. Chairman, I would like to make one other point: Extension of the wilderness to the northern shore of Fontana Lake is worrisome. Fontana Lake has great recreational and opportunity value. At various times of the year fishermen and other motorboat operators make use of this reservoir facility.

The Congressional Research Service, an independent research arm of the Congress, informs me that over 85 suits have been brought to stop various activities peripheral to a wilderness. It would be deeply troubling if at some future date motorboats were prohibited from the use of the Lake. This would be a disagreeable outcome.

These issues and others should be carefully considered. I am committed to resolving this problem and will work in good faith to see that all interests are fairly represented.

Mr. Chairman, lest we forget, the important thing is to open the legislative process to allow different viewpoints on this matter to be heard. The fair exchange of

ideas on issues that affect directly individuals is greatly worthwhile and meritorious.

Again, thank you for this opportunity to testify on this matter affecting North Carolina.

Senator Wallop, that's the statement of Senator East.

Senator WALLOP. Thank you, Mr. Jones, and pass my thanks back to Senator East for his statement here today.

I would just say before we begin on these panels, my position on the national park wilderness has been known for a long time. I fundamentally don't approve of it, as I think it is inconsistent with the concept of national parks, but I also believe in the representative form of government that we have, and when there is consensus on a political basis of those areas affected in the Congress I am inclined to move in very quickly. I have followed that path ever since I have taken over this subcommittee, but lest anybody dispute the notion, if it were up to me I believe national park management is a better way of managing national parks, especially one which is the most visited park in America.

Both bills have been introduced. There is political support for both of them. We will see what the testimony brings us here today, and you can count on my earnest efforts to achiveve something.

Mr. JONES. Thank you, Senator.

Senator WALLOP. Now, the next panel consists of Mr. Chad Killebrew, Donald Guge, and Jennifer Gibson. It is my understanding this is a panel of students from Bryson City who have this as part of their class project, and I certainly welcome you here. I am delighted that you are here and believe very much that this is worthy.

This is when we begin the 3-minute timing, and I ask for the first panel's indulgence and all those that follow. On deck is the panel consisting of Mr. Ralph Crisp, Mr. Roy Brooms, Mr. David Hyde, and Mr. Leonard Lloyd.

Mr. Killebrew.

STATEMENT OF CHAD KILLEBREW

Mr. KILLEBREW. Mr. Chairman, Will O'Dell, Donald Guge, Jennifer Gibson, and myself, Chad Killebrew, are working on a local history project regarding our county. The title is "Swain County: A Land of Displaced Persons."

The park, established in 1934, and the dam, completed in 1945, caused many people to be moved. During our project we are interviewing persons who once lived in areas which are now in the park or are under water because of the lake. Using these taped interviews, along with our own narration, we are putting together a slide show. The slide show will consist of many old pictures, as well as current ones, of these areas.

Today each of us has a short presentation on one aspect of the park's or lake's effect on Swain County.

Senator WALLOP. I ask you just to conduct your own panel. You say who is next.

Mr. KILLEBREW. Jennifer Gibson.

STATEMENT OF JENNIFER GIBSON

Ms. Gibson. Mr. Chairman, the impact of Federally owned lands on Swain County could not be made more obvious than to see it graphically displayed on a map of Swain County. The area shown with black diagonal lines represents the original Great Smoky Mountains National Park formed 50 years ago. Land taken from three townships in Swain County, Charleston, Forney, and Oconaluftee make up these acres shown here with red diagonal lines. The total acreage held by the park today within Swain County is 216,660 acres or 65 percent. This includes the 2,300 acres purchased as late as 1983.

The TVA originally purchased over 68,000 acres of land in Swain County for the Fontana Dam project. All but 44,400 acres were flooded for the project, and these acres were transferred to the National Park Service in the 1943 agreement. The TVA now holds 7,400 acres or 2 percent of Swain County land.

Shown here with crossed diagonal lines on the map is the land from Swain County, 29,400 acres taken to make up part of the Cherokee Indian Reservation formed in 1835 by the Qualla Indian Boundary and established in 1925 as a trust held by the United States for the Eastern Band of the Cherokees. This represents 9 percent of Swain County acreage.

I have not shown the 21,200 acres of land in Swain County that the U.S. Forest Service has acquired over several decades equaling 6 percent. These are scattered over the remaining unmarked portion of the county. Another 700 acres or 0.2 percent of the county is covered by the Blue Ridge Parkway.

With the portions composing the Great Smoky Mountains National Park, the Cherokee Indian Reservation, Nantahala National Forest, the Tennessee Valley Authority and the Blue Ridge Parkway, the federally owned lands in Swain County total over 82 percent of the 339,200 acres making up the combined area. Only 63,900 acres or approximately 18 percent remain as privately owned land in Swain County.

Senator Wallop. Thank you very much, Jennifer. If it is any consolation, in my home State of Wyoming, Teton County where Grand Teton National Park is located, has a similar kind of difficulty in trying to establish a tax base.

Mr. Guge.

STATEMENT OF DONALD GUGE

Mr. Guge. Mr. Chairman, within the land involved there were at one time approximately six major creek communities, including Chambers Creek, Hazel Creek, and Forney Creek. There were also many towns, some as big as Bryson City is today. These included Almond and Bushnell, which are both now under water, and Proctor, which is very difficult to reach.

All that remains of these towns and communities is a few rock chimneys and some old foundations. The only access to these places is by crossing the lake with help from the Park Service. The park then provides transportation to the cemeteries.

As you can see on this map, Swain County is covered with Fontana Lake and many large creeks. The lake, which was created by the construction of Fontana Dam, is about 30 miles long. The dam, which is over 480 feet high, is the largest dam east of the Mississippi River and also the largest in the Tennessee Valley Authority system.

The land is beautiful and it is full of memories. Those who lived there will never forget the good times they shared with their family and friends.

Thank you.

Senator WALLOP. Thank you all very much.

Mr. KILLEBREW. I have something more.

Senator WALLOP. You have something more? I'm sorry.

Mr. KILLEBREW. To summarize, the Tennessee Valley Authority began acquiring land in the area in the middle of late 1930's. People realized at this time before the dam was ever built they would be forced to move. This become a reality in 1943 when the Fontana project began. Fontana Dam would be another in the line of dams on the Tennessee River.

The people who lived on the land already owned by the TVA had no choice but to move. The privately owned land was also acquired. Some people left willingly. Others were reluctant to move; 1,311 families were moved. Of these 600 had lived in the area previously. The other 711 were transient who had moved into the area to help work on the dam; 163 families were moved from Proctor; 205 families from Bushnell; and 143 families from the Almond and Judson area. A population drop of 18.5 percent in the county resulted from many families relocating outside the county.

Seventy-four institutions, such as schools, churches, businesses, et cetera, were also affected by the lake. Most were covered by water while some were rendered inaccessible by the newly formed lake.

Forty cemeteries were also affected. Of these 27 are currently listed as north shore cemeteries, all of which are inaccessible by land; 2,043 graves were affected; 1,047 of these were moved and relocated elsewhere. The 1943 agreement between Swain County and the Government called for a road to be completed along the north shore of Fontana Lake when necessary funds were appropriated.

However, it should be noted a clause in the agreement provides that no party to the agreement is in breach of contract if for any reason the U.S. Congress fails to appropriate the full amount of funds necessary to complete the north shore road.

We have attempted today to give a few of the facts about this very complex situation. As can be evident by this turnout here today, this issue is obviously a major concern to the people of Swain County. It is our hope that an agreement suitable to all parties can be reached.

Thank you.

Senator WALLOP. Thank you very much. Thank you all very much.

Senator HELMS. Mr. Chairman, this just fortifies the impression that I have. I know you are just as proud of these young people as I am. I hear a lot of criticism of young people, but the ones with whom I am in contact, they are smarter and they are more dedicated than my generation, and I just want to thank all of you for being here. Thank you very much.

Senator **Wallop**. Thank you very much. Take my thanks back to your school. I think it was a good project and well received. Thank you.

Now, Mr. Ralph Crisp, Mr. Roy Brooms, Mr. David Hyde, and Mr. Leonard Lloyd, and on deck will be Mr. Charles Howell, commissioner, department of natural resources, State of Tennessee, Ms. Sara Davis, Leroy Fox, Dr. James Tanner, Mr. William Busing, and Mr. Randy Snodgrass.

Mr. Crisp, please begin.

STATEMENT OF RALPH L. CRISP, PRESIDENT, GRAHAM COUNTY CHAMBER OF COMMERCE

Mr. **Crisp**. Mr. Chairman, I am speaking on behalf of Graham County Chamber of Commerce. Graham County has a vital interest in these bills. We are located on the western boundary of the park, and our county joins Swain County along the lake, the Fontana Reservoir.

Let me say, Mr. Chairman, that we would be opposed to any bill that does not allow for access roads to the cemeteries along the north shore area. The people in Graham County also have ancestors in those cemeteries, and I think the Federal Government is obligated to fulfill the promises made back during the 1940's when they took the lands from these people.

Also, we would consider it very serious to see anything happen to the use of the reservior. Our county has an unemployment rate of 22 percent. Swain County has something like 28 percent, and our economic survival depends on roads for the use of recreational facilities and this kind of thing just for the people of this area. Now, to us, the Smoky Mountains National Park is a great park, but it's also just a piece of real estate, and the people of this region are more important than what the real estate might be.

Now, the Baker/Sasser bill, we oppose that bill. Tennessee gets more economic benefits from the park than what the people of western North Carolina get. Now, I can't understand how our own representative, Mr. Clarke, endorsing such a bill, because he hasn't been around to talk with us. We want to see that people have access to the cemeteries. We want to have our lake for use without it being disturbed or affected in any manner, and also the major routes between Robbinsville and Maryville, TN, Highway 129, has a boundary common with the park for a distance of 9 miles. Any wilderness act could place this in jeopardy to where we could never make improvements to the road to bring more commerce into our area, and these are vital concerns to our people.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Crisp follows:]

Graham County
Chamber of Commerce

Highway 129 By-pass • P.O. Box 1206 • Robbinsville, N.C. 28771

March 14, 1984

Chairman, Energy and Natural Resources Subcommittee
United States Senate
Senate Office Building
Washington, D. C.

Dear Mr. Chairman:

In reference to the proposed Great Smoky Mountain Wilderness, the Graham County Chamber of Commerce and the people of Graham County have a vital interest in the proposed legislation since our county is located on the western boarder of the park. A review of the bills (S. 1947 Sasser/Baker and S. 2183 Helms) has caused some alarm and raised questions about how much damage the legislation will do to our area of North Carolina.

The Sasser/Baker bill is a very bad bill, and is totally unacceptable since it, if passed, could stop motorboats from operating on Fontana Reservoir, prohibit or delay road improvements to U.S. Hwy No. 129 and 28, and lockup the park so that people could not visit family cemeteries. The state of Tennessee already gets more economic benefits from the Great Smoky National Park then the state of North Carolina receives, and the Sasser/Baker bill is a good example that they intend for it to stay that way. Their bill would mean that Fontana Reservoir would be in a wilderness buffer zone and as such the government could have control over the lake and stop our people from being able to us it. Also, of great concern is that future road improvement programs of U.S. Hwy No. 129 and 28 could be stopped because of problems in obtaining permission to make road improvements to roads located in the buffer zone, or in the case of Hwy #129 the park boundary runs with the road for some 9 miles on the Tennessee side of the mountain. Hwy #129 is a major route between Robbinsville, N.C. and Maryville, Tennessee, and it's improvement could bring great economic benefits to the counties of Graham and Swain, not to mention what it would do for businesses in Maryville. At present the unemployment in Graham County is 22% and in Swain County it is 28%, and both counties need better transportation systems, more industrial jobs, and more help from federal and state governments to promote economic development. To allow our major roads to fall victim to a Wilderness Act would be disgraceful and poor policy of the government. We need better roads and more jobs, and less wilderness and fewer environmental problems from such groups as the Sierra Club. The mountain people have practiced conservation every since the whiteman settled in Western Carolina and Eastern Tennessee, and the Great Smoky Mountain National Park is an example of this.

In regards to a settlement with Swain County and the Federal Government on the 1943 agreement in which the government was to have built a road along the north shore of the Fontana Reservoir, we certainly support Swain County and it is entitled to a just settlement. However, there are other interests that must be considered before this matter can be completely resolved. Many residents of Graham County have family members and ancestors in the cemeteries on the north shore of Fontana Lake, and we think that any settlement must deal with providing road access to the cemeteries. A cash settlement is not good enough, it might be good for the government of Swain County but it is unacceptable to the people. The elderly and handicaped must have road access in order to visit the cemeteries.

In conclusion, we think that the Great Smoky Mountain National Park is already wilderness since it has been designated as a National Park which is to be kept and preserved, it is also protected and regulated, and managed for the people. In other words it has done and been placed in wilderness and what good could be done by passing a wilderness bill to protect the park? However, if the Congress of the United States is determined to pass a law to place the Great Smoky Mountain National Park under provisions of the Wilderness Act, then the bill offered by Senator Jesse Helms of North Carolina would be the bill that we would endorse. The Helms bill does deal with most of the concerns of the residents of Graham County, but we feel that it should be amended to include provisions to make sure that Fontana Reservoir will not be put into any wilderness buffer zone. Also, it should deal with road construction zones to ensure that Hwy's 129 and 28 can be improved at some future time without first having to pass a new law because of wilderness protection. And last, the Helms bill provides for primitive access roads to the cemeteries on the north shore of Fontana Lake.

Sincerely,

Ralph L Crisp

Ralph L. Crisp, President

Senator WALLOP. Thank you, Mr. Crisp.
Mr. Brooms.

STATEMENT OF ROY BROOMS, GRAHAM COUNTY COMMISSIONER

Mr. BROOMS. Yes, Mr. Chairman, glad to be here today. Glad to see you interested in this thing.

I am a Graham County commissioner. I am here on behalf of the people in Graham County. I think our mountains over there are beautiful. They always have been. This is not something that just developed in the last little while. They have been beautiful ever since they were created and put here, ever since this world was created and people have been on it.

I can't see that there has been that much damage to our mountains. Of course, I realize that the people have to get in and out of these villages and little towns and go onto different places. Over in Graham County we have over 10,000 acres of wilderness right now with more proposed for a study area, and this is on the southern tip of what we are talking about putting into the park now. Well, this joins right up with the park area, and this just about cuts off any part of this Graham County and Swain County, too, as far as that's concerned, with Tennessee, east Tennessee, altogether, without having to come all the way to Waynesville or 441 here from Graham County to get into east Tennessee.

We are only 79 miles from Knoxville where we are, but we have the crookedest little road around through there that anybody ever saw. There is no industry that can use big trucks to travel that road. We need provisions in any bill. I don't approve of turning this park into wilderness at all. I think there's enough wilderness as it is, and the people have taken real good care of it, and you can look at the mountains and see that they have been taken care of. And I am opposed to any more wilderness than what we already have. The people in these old mountains are called old dumb hillbillies and so on, but we know when we are getting stuff shoved at us that we have to live with and don't want to live with.

Senator WALLOP. Mr. Brooms, I ask you to conclude your statement, please.

Mr. BROOMS. Yes, sir. I just want to go on record as being against all of the wilderness, and I think that the people's choice is not absolutely the wilderness. What the people want is to be asked if they have to take and accept this stuff.

Thank you, sir.

Senator WALLOP. Thank you, sir. I appreciate your testimony.
Mr. Hyde.

STATEMENT OF DAVID HYDE, CHEOAH, NC

Mr. HYDE. Thank you, Mr. Chairman. I would like to thank you for giving me the opportunity of being here today and the opportunity to speak out as an American citizen.

I live in a little community called Cheoah. Cheoah we consider starts at the Swain County line on Highway 28 and goes practically all the way to Fontana, and this area right here is the part of Graham County that is considered the closest to the Great Smoky Mountains National Park, and also we have many people that live in this community that have relatives that are buried over there, and they do need access to the park; they do need this road, but I would like to say that I am opposed to any type of wilderness bill.

We have many people, many families, in our part of the country that depend on these mountains for a living. Even if you would give them a choice probably to do anything, any other type of work, they enjoy this. We have a lifestyle and a heritage in these mountains right here that is of its own.

Now, whether it's a wilderness, a buffer zone, limited access, whatever, this just to me seems like a long, drawn, devised plan to get rid of the people in these two western counties here.

Now, anyway, we have organizations or groups that maybe are trying to push this thing along. They have lots of financial power, whatever, a lot of political influence. Now, we have seen what kind of power they have got. They have got enough power to force our Government to spend millions of dollars to save a redheaded peckerwood or to save a worm that looks like it's been stepped on in the first place. Now, maybe this is good. We need to protect stuff like that. But what we are talking about here is the concern of the people, which is the greatest creation of God.

Now, these people, like I say, have a heritage and a lifestyle of their own. And in a way I consider that this is an endangered species in itself. Now, we need to consider that and to make sure that anything can be done to help the people in this part of the county.

Now, I have something that just came to me. Some 20-some years ago my grandfather, he was rather old at that time, and he would take his car and drive around through the community. The Appalachian Trail goes through there. He would pick up some of the hikers. And he would always come in and tell the story that they told him. He said he'd ask them what they were doing.

They would say, "Oh we are just walking around, taking pictures, you know, making some maps here."

He said, "I tell you what," he said, "This is going to cause trouble later on." He said, "If we are not careful"—and he had a theory that communism was going to take over this Government through its own self, so I can see what he was talking about then.

So I appreciate the time, and thank you.

Senator WALLOP. Thank you, Mr. Hyde.

I just want to say that the voice of the people is eloquent when expressed by folks such as you. Thank you for coming here.

Senator HELMS. I agree.

Senator WALLOP. Thank you all very much. I appreciate your indulgence of these 3 minutes. I know it goes very quickly but we have just so many people here and it's very courteous of you to do that. Thank you.

Could I call panel 3? Mr. Charles Howell, commissioner, department of natural resources, State of Tennessee, Sara Davis, Leroy Fox, Dr. James Tanner, William Busing, and Randy Snodgrass. On deck will be panel No. 4: Troy Proctor, Mr. Edwin Patton, Mr. Fred Chandler, and Miss Joyce Breedlow.

Mr. Howell, you may begin.

STATEMENT OF CHARLES A. HOWELL III, COMMISSIONER, TENNESSEE DEPARTMENT OF CONSERVATION

Mr. HOWELL. Chairman Wallop, I am delighted to be here this morning and am delighted to be in front of you again. I appeared before your committee to testify about the north bill in September of last year.

Senator WALLOP. I recall that.

Mr. HOWELL. I recognize the power of Mr. Bevinetto's bell over there, so I will proceed expeditiously.

My name is Charles A. Howell III. By appointment of Gov. Lamar Alexander, Governor of Tennessee, I serve as the commissioner of the department of conservation.

I appear before you today on behalf of the Governor and am pleased to advise you that the Governor anticipates testifying before your subcommittee in Washington on March 27.

In early 1983 Governor Alexander expressed to me his personal interest for participating in the 50th anniversary celebration of June 15, 1934, when Congress authorized and established the park for full development. He also told me that he believed the time had come to formally declare as wilderness under the Federal Wilderness Act of 1964 those portions of the park which are currently being managed as wilderness. He further asked me to be his contact person on behalf of wilderness designation.

I subsequently was in contact with the office of Senators Baker and Sasser about the appropriateness of introducing legislation to accomplish this objective. We worked with Senator Sasser who had last introduced wilderness legislation in 1981. We were thus pleased when Senators Baker and Sasser introduced S. 1947, a bill which would declare as wilderness the 467,000 acres of land which is currently being managed by the National Park Service as a natural environment—type I zone as delineated in the general management plan for the Great Smoky Mountains National Park and approved by the National Park Service.

We are equally pleased that Congressmen Duncan and Clarke have introduced identical legislation in the House, H.R. 4262.

We have noted with considerable interest that the first wilderness hearings held for any part following the enactment of the Federal act were the hearings held for the Great Smokies in June 1966.

In the brief time allotted to me, I wish only to remind the committee that the establishment of the Great Smoky Mountains National Park, unlike so many other national parks which were carved out of the public domain, was the first national park to be acquired from private owners and given by the people of Tennessee and North Carolina to the people of the United States. The acquisition of lands for this area represented a classic American success story in that it involved the cooperation and financing of the governments of Tennessee and North Carolina, the city of Knoxville, a gift from John D. Rockefeller, Jr., and the Congress of the United States. Thus, the action which I am pleased to endorse today represents in a sense a culmination of ideas which the people of this region first brought forth in an organized manner beginning in 1923.

We support S. 1947 as presently written. We are fully supportive of the provision contained in this bill which would provide financial relief to Swain County, NC, as the result of unfulfilled Federal commitments to that county from a 1943 agreement which resulted from the construction of Fontana Reservoir.

Governor Alexander has advised me that he has held a recent conversation with Senator Helms. He told me to advise you that he appreciates the efforts being made by Senator Helms but prefers the legislation being sponsored by Senators Baker and Sasser and that he has expressed to Senator Helms his concern about the lesser acreage which would be designated as wilderness by S. 2183, a bill introduced by Senators Helms and East.

In conclusion, I am pleased to be in North Carolina today on behalf of Governor Alexander and the citizens of Tennessee. We commend you, along with our respective Senators, for holding this hearing among the people who care so much about these mountains. We hope that you can move quickly to report a bill which we trust will be similar to the proposals contained in S. 1947 and which will allow all of us who gather within the park on June 15 of this year to take special pride that we have taken this giant step forward to committing for future generations those wilderness areas which we have been protecting these last 50 years.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Howell follows:]

TESTIMONY OF CHARLES A. HOWELL, III, BEFORE THE SUB-COMMITTEE ON PUBLIC LANDS AND RESERVE WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, MARCH 16, 1984, BRYSON CITY, NORTH CAROLINA ON LEGISLATION FOR WILDERNESS GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA AND TENNESSEE

My name is Charles A. Howell, III. By appointment of Governor Lamar Alexander of Tennessee, I serve as the Commissioner of the Department of Conservation. I appear before you today on behalf of the Governor and am pleased to advise you that the Governor anticipates testifying before your Sub-Committee in Washington, D. C., on March 27, on behalf of Senate Bill 1947 by Senators Howard Baker and Jim Sasser.

Early in 1983, Governor Alexander expressed to me his personal interest for participating in the 50th Anniversary celebration of June 15, 1934, when Congress authorized and established the park for full development. He also told me that he believed the time had come to formally declare as wilderness under the Federal Wilderness Act of 1964, those portions of the park which are currently being managed as wilderness under the General Management Plan of 1982. He further asked me to be his contact person on behalf of wilderness designation.

I subsequently was in contact with the offices of Senators Baker and Sasser about the appropriateness of introducing legislation to accomplish this objective. We worked with Senator Sasser who had last introduced wilderness legislation in 1981. We were thus pleased when Senators Baker and Sasser introduced Senate 1947, a bill which would declare as wilderness the 467,000 acres of land which is currently being managed by the National Park Service as a Natural Environment - Type I Zone as delineated in the General Management Plan for the Great Smoky Mountains National Park and approved by the National Park Service.

We are equally pleased that Congressmen Duncan and Clark have introduced identical legislation in the House, H. R. 4262.

We have noted with considerable interest that the first wilderness hearings held for any park following the enactment of the Federal Act were hearings held for the Great Smokies in June of 1966.

In the brief time allotted to me, I wish only to remind the Committee that the establishment of the Great Smoky Mountains National Park, unlike so many other national parks which were carved out of the public domain, was the first national park to be acquired from private owners and given by the people of Tennessee and North Carolina to the people of the United States, as told so eloquently in a book by Carlos C. Campbell entitled, "BIRTH OF A NATIONAL PARK IN THE GREAT SMOKY MOUNTAINS". The acquisition of lands for this area represented a classic American success story in that it involved the cooperation and financing of the governments of Tennessee and North Carolina, the City of Knoxville, a gift from John D. Rockefeller, Jr., and the Congress of the United States. Thus, the action which I am pleased to endorse today represents in a sense, a culmination of ideas which the people of this region first brought forth in an organized manner beginning in 1923.

We support Senate 1947 as presently written. We are aware of a concern that has been expressed to us by the Great Smokies Park Wilderness Advocates regarding the exclusion from wilderness designation of a one-way seasonally opened graveled road connecting the Gregory Ridge Trailhead to U. S. Highway 129 south of Cades Cove and known as the Parsons Branch Road in the General Management Plan previously alluded to. This road is separately delineated as a transportation corridor. We do not believe that the threat of future all season road construction is sufficient to have this transportation corridor designation to be included in wilderness for use only by the National Park Service for administrative purposes.

We are in receipt of a letter of March 9 signed by Chairman C. H. Dean, Jr., of the Tennessee Valley Authority, which would appear to clarify restrictions placed on a 44,170 acre tract of land which TVA transferred to the Department of Interior in 1948 for inclusion in the park, which is currently in the Natural Environment - Type I Zone and which is proposed for wilderness designation in Senate 1947.

We are fully supportive of the provision contained in this bill which would provide financial relief to Swain County, North Carolina, as the result of unfulfilled Federal commitments to that County from a 1943 agreement which resulted from the construction of Fontana Reservoir.

Governor Alexander has advised me that he has held a recent conversation with Senator Helms. He told me to advise you that he appreciates the efforts being made by Senator Helms but prefers the legislation being sponsored by Senators Baker and Sasser and that he has expressed to Senator Helms his concern about the lesser acreage which would be designated as wilderness by Senate 2183, a bill introduced by Senators Helms and East. This bill designates an amount of 400,000 acres as compared to 467,000 acres. He told me he had also expressed to Senator Helms his concern for a proposal in Senate 2183 which would authorize up to $950,000 to be spent for the construction of approximately a 14 mile section of road through the Hazel Creek area of the park on the north shore of Fontana Reservoir to provide vehicular access to the Hazel Creek Cemetery. While it might seem inappropriate for Tennesseans to be commenting upon issues relevant to North Carolina, we do feel that the park is something that was created by all of us working together and further road construction would be detrimental to the park values which we all have come to cherish, especially in light of the present services furnished by the National Park Service to family members wishing to visit the cemetery.

Wilderness designation would give the park legislative, rather than merely administrative, protection. Such legislative designation is critical for the the park for several reasons. The park is probably the finest example of a large protected natural landscape in the southeastern U. S. and supports an outstanding storehouse of biotic diversity. The great altitudinal range offered in the park provides habitat for about 1,500 species of vascular plants. Of these, nearly 300 are woody plant species. Of these, almost 45 species are listed by the Tennessee Natural Heritage Program (a division of my Department) as endangered, threatened, or of special concern. Many of these plants are being considered for Federal listing by the U. S. Fish and Wildlife Service. Two of these plants are known from nowhere outside the Great Smoky Mountains National Park boundary. About 50 species of mammals, 200 species of birds, 38 reptiles, 39 amphibia, and more than 70 species of fish are known from the park. Forty-five of these species - 15 mammals, 15 birds, 6 reptiles, 2 amphibia, and 7 fish have been listed as endangered, threatened, special concern, or deemed in need of management by the U. S. Fish and Wildlife Service, Tennessee Wildlife Resources Agency or the Tennessee Natural Heritage Program.

Wilderness designation for the park is compatible with and strengthens the Great Smoky Mountains National Park as a Biosphere Reserve. As such, the park currently features a number of ongoing research and environmental monitoring activities to keep track of man's impact on the environment. The monitoring experience indicates that the complexity of environmental changes now underway has direct implications for our ability to detect pollution stress on natural environments. Measurements of pollution levels in remote protected sites like the Great Smoky Mountains National Park provide the least complicated clues to their environmental effects as well as potential biological consequences. Jointly with North Carolina, we have registered the park on our State Registers of Natural Areas maintained by our respective Heritage Programs.

In conclusion, I am pleased to be in North Carolina today on behalf of Governor Alexander and the citizens of Tennessee. We commend you along with our respective Senators for holding this Hearing among the people who care so much about these mountains. We hope that you can move quickly to report a bill which we trust will be similar to the proposals contained in Senate 1947 and which will allow all of us who gather within the park on June 15 of this year to take special pride that we have taken this giant step to committing for future generations, those wilderness areas which we have been protecting for these past 50 years.

Senator WALLOP. Thank you, Commissioner.
Ms. Davis.

STATEMENT OF SARA H. DAVIS, PRESIDENT, CAROLINA MOUNTAIN CLUB

Ms. DAVIS. Senator Wallop, my name is Sara Davis, I am president of the Carolina Mountain Club in Asheville, NC, and I am also on the board of managers of the Appalachian Trail Conference.

This statement I am giving today is on behalf of the Carolina Mountain Club Council and its membership to express our support for S. 1947, the Great Smoky Mountain Wilderness bill introduced by Senators James Sasser and Howard Baker.

The Carolina Mountain Club is a 430-member hiking club whose membership is composed mainly of residents of western North Carolina. We are pledged to the preservation of our wilderness heritage, as well as the enjoyment of it. For nearly two decades, we have been involved actively in attempts to resolve the dispute which arose out of the agreement made in 1943 between the Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County. It was with considerable relief that we greeted the compromise which was finally achieved among the principals of that agreement, a compromise which essentially is incorporated in the Baker/Sasser bill. This compromise, reached after hard negotiations and considerable effort of many people, must be kept intact.

However, it is not only for the spirit of compromise that we support the Baker/Sasser wilderness bill. Our club has been established since 1924, and we have seen firsthand the dreadful impact that the construction of roads has had on the forests through which we have hiked. When an area is opened to vehicular access, the impact of such use is far greater than simply the track on which people drive. By excluding the bottom portion of the present park area from wilderness designation and constructing a road into the heart of that portion, far more than 67,000 acres of true wilderness will be diminished. Over the years, this club has seen the ripple effect of roads and we do not wish to see that happen to the Smokies.

We realize that this bill is not popular with everyone. Very little legislation can be passed without controversy. But the U.S. Senate has an obligation to consider the greater good of all the people of this great land in which we live, both those living now and future generations of Americans whose opportunity to experience the natural state of this country grows smaller and smaller each year.

We thank you for your support of S. 1947. Thank you.

Senator WALLOP. Thank you, Ms. Davis.

Let me just make an observation, not by way of criticism, but I am having a hard time understanding how the 1943 agreement is met by the terms of this bill. If it is a satisfactory compromise to all involved, then I would consider that to be the way, but let me just again observe: The greater good of all people of the land in which we live is also the faith in commitments of the U.S. Government, and from 1943 is a long time to come to a conclusion over a commitment that was made. I mean, here we are in 1984, 41 years later, and it hasn't been satisfied, and I would hope that everyone would consider that the greater good of all Americans is lost somewhere in those 41 years. I think there is something wrong when we have to wait that long.

It's not your fault or not the Mountain Club's fault. It's not the fault of anybody sitting here, but I think it is a consideration that has to be weighed in the back of all our minds.

Mr. Fox.

STATEMENT OF LEROY G. FOX, CHAIRMAN, TENNESSEE GREAT SMOKY MOUNTAINS PARK COMMISSION

Mr. Fox. Thank you, Mr. Chairman.

Mr. Chairman, Senator Helms, I am Leroy Fox. I live in Knoxville, TN, and I am chairman of the Tennessee Great Smoky Mountains Park Commission which was established by the State legislature in 1927 to promote and purchase land for the park.

While the commission's responsibilities have changed over the years, they still include liaison with the park, specifically to furnish informational services to the U.S. Congress with reference to the needs of the park and to cooperate with similar commissions in other States adjacent to the park.

This commission adopted a resolution on March 25, 1983, asking Congress to designate as wilderness all qualifying areas in the park as an adjunct to the golden anniversary of the park in 1984. After North Carolina Representative James Clarke introduced, in July 1983, a bill for monetary relief for Swain County in settlement of the 1943 agreement, this feature was incorporated into the Senate bill, S. 1947, Great Smoky Mountains Wilderness Act, on October 7, 1983, by Senators Howard Baker and Jim Sasser.

In November 1983 Senators Jesse Helms, Jr., and John East introduced S. 2183, an alternative to S. 1947.

After thorough review of both bills by the Commission, we adopted a resolution on February 10 of this year including the words,

> Now, therefore, be it resolved, that the Park Commission does endorse both the S. 1947 and the companion House bill, H.R. 4262, and urges prompt action by the 98th Congress to designate 467,000 acres of the part for protection under the Wilderness Act; and,
>
> Be it further resolved, that any other bills which will not adequately be protective of the qualifying part wilderness, nor be in conformity with the 1982 General Management Plan for the park, nor resolve the 1943 agreement in a manner acceptable to Swain County and the State of North Carolina be rejected for passage by the Congress.

After many years of turbulent meetings, hearings and initiatives for comproimise, we believe that the preservation and use mandates for our National Park Service and also the national interest would be best served by S. 1947. We feel that the park, an International Biosphere Reserve and a designated Natural Heritage by both States, should contain a wilderness of 467,000 acres to protect its vast outdoor laboratory and data base functions needed for beneficial research, including that on topical concerns such as acid rain effects on forests.

Fontana Lake, indeed, provides an unique barrier to provide protection of the park just to the north of the lake, the best protected park of the park wilderness. We append to our testimony a copy of our resolution, and also pertinent to a previous comment about TVA's position, I have a letter from Charles H. Dean, Chairman of the Board of TVA, that I would like to read into the record. I can summarize it, though——

Senator WALLOP. It will be incuded as part of the record in its entirety, but I have well over 100 people who have things that they will want to put in. If I allow yours in, I'll allow all the rest of them in. I ask your indulgence; your statement will be part of the record.

Mr. FOX. Thank you.

[The prepared statement of Mr. Fox follows:]

TESTIMONY OF
LEROY G. FOX, CHAIRMAN
TENNESSEE GREAT SMOKY MOUNTAINS PARK COMMISSION
BEFORE THE FIELD HEARING OF THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
U. S. SENATE
BRYSON CITY, N. C.
MARCH 16, 1984

Mr. Chairman, Members of the Subcommittee; I am Leroy G. Fox. I live in Knoxville, Tennessee, and I am Chairman of the Tennessee Great Smoky Mountains Park Commission which was established by the State Legislature in 1927 to promote and purchase land for the Great Smoky Mountains National Park. While the Commission's responsibilities have changed over the years, they still include liaison with the Park, and specifically;

> "To furnish informational services to the U. S. Congress with reference to the needs of the ......Park," and
>
> "To cooperate with similar commissions in other states adjacent to the ....Park."

This Commission adopted a Resolution on March 25, 1983 asking Congress to designate as wilderness all qualifying areas in the Park as an adjunct to the Golden Anniversary of the Park in 1984. After North Carolina Representative James M. Clarke had introduced on July 14, 1983 a bill (HR-3567) for monetary relief for Swain County in settlement of the "1943 Agreement", this feature was incorporated into Senate bill S-1947 on October 7, 1983 introduced by Tennessee Senators Howard Baker and Jim Sasser. On

November 14, 1983 North Carolina Senators Jesse Helms, Jr. and John East introduced S-2183, an alternative to S-1947.

After thorough review of both bills the Great Smoky Mountains Park Commission adopted a Resolution on February 10, 1984 including,

> "NOW THEREFORE, BE IT RESOLVED that the Great Smoky Mountains Park Commission, assembled in regular meeting on February 10, 1984, recognizing the enduring benefits to the Great Smoky Mountains National Park resulting from the enactment into law of S-1947 and HR-4262, does endorse both bills and urges prompt action by the 98th Congress and the President to designate 467,000 acres of the Park for protection under the Wilderness Act of 1964, and
>
> BE IT FURTHER RESOLVED, that any other bills which will not be adequately protective of the qualifying Park wilderness, nor be in conformity with the 1982 General Management Plan for the Park, nor resolve the "1943 Agreement" in a manner acceptable to Swain County and the State of North Carolina, be rejected for passage by the Congress."

We believe that, after many years of turbulent meetings, hearings, and initiatives for compromise, the "preservation and use" mandates for our National Park Service and also the public interest would be best served by enactment of S-1947.

We feel that the Park, an International Biosphere Reserve and a designated Natural Heritage by Tennessee and North Carolina, should contain a wilderness of 467,000 acres to protect its vast outdoor laboratory and data base functions needed for beneficial research, including that on topical concerns such as acid rain effects on forests.

We append: GSMPC Resolution of February 10, 1984 and letter, C. H. Dean, Jr., TVA, to Leroy G. Fox, March 9, 1984.

We thank you for the opportunity to present our views. I will try to answer any questions that you may have,

GREAT SMOKY MOUNTAINS PARK COMMISSION
305 W. SPRINGDALE
KNOXVILLE, TN 37917

RESOLUTION

FEBRUARY 10, 1984

WHEREAS, on March 25, 1983 the Tennessee Great Smoky Mountains Park Commission did unanimously adopt a Resolution that it should promote by appropriate action the designation by the Congress as wilderness all of the Natural Area , Type I, about 467,000 acres, described in the 1982 General Management Plan of the Great Smoky Mountains National Park, and

WHEREAS, on July 14, 1983 Tennessee Governor Lamar Alexander did commit the support of the State Administration to accomplish such wilderness designation during 1984 as an adjunct to the celebration of the Golden Anniversary of the Park in 1984, and

WHEREAS, on October 7, 1983 United States Senators Jim Sasser and Howard Baker of Tennessee introduced in the Senate S-1947, and on November 1, 1983 Congressmen John Duncan of Tennessee and James Clarke of North Carolina introduced in the House of Representatives H.R.-4262, being identical bills to designate certain lands in the Great Smoky Mountains National Park as wilderness and to provide certain funds for the relief of Swain County, Narth Carolina arising out of a well known "1943 Agreement", and

WHEREAS, these two bills have not yet been acted upon by the Congress but have been endorsed by Tennessee Governor Lamar Alexander; North Carolina Governor James Hunt; the North Carolina National Park, Parkway, and Forests Development Council; the Swain County, North Carolina, Board of Commissioners; the Bryson City, North Carolina, Board of Aldermen; and

WHEREAS, an alternative wilderness bill, S-2183, was introduced in the United States Senate on November 14, 1983 by North Carolina Senators Jesse Helms and John East providing relief for Swain County, but also designating only about 400,000 acres of the Park as wilderness, and allowing up to $0.95 million for limited motor vehicle access to selected cemeteries north of Fontana Lake via about 14 miles of destructive road construction;

NOW THEREFORE, BE IT RESOLVED that the Tennessee Great Smoky Mountains Park Commission, assembled in regular meeting on February 10, 1984, recognizing the enduring benefits to the Great Smoky Mountains National Park resulting from the enactment into law of S-1947 and H.R.-4262, does endorse both bills and urges prompt action by the 98th Congress and the President to designate 467,000 acres of the Park for protection under the Wilderness Act of 1964, and

BE IT FURTHER RESOLVED, that any other bills which will not be adequately protective of the qualifying Park wilderness, nor be in conformity with the 1982 General Management Plan for the Park, nor resolve the "1943 Agreement" in a manner acceptable to Swain County and the State of North Carolina, be rejected for passage by the Congress.

By unanimous vote of the Commission, February 10, 1984.

Leroy C. Fox

Leroy C. Fox, Chairman

Al Schmutzer, Jr.

Al Schmutzer, Jr., Vice Chairman

Mr. Leroy G. Fox, Chairman
Great Smoky Mountains Park Commission
305 W. Springdale
Knoxville, Tennessee 37917

Dear Mr. Fox:

This is in response to your request for TVA's views on legislation which would designate the Great Smoky Mountains National Park as wilderness and resolve certain matters covered by a 1943 agreement among DOI, TVA, the State of North Carolina, and Swain County regarding the construction of a road along the north shore of Fontana Reservoir to replace a State highway that was flooded by the impoundment from Fontana Dam.

TVA fully supports the concept of wilderness as a significant use of Federal lands. The national wilderness system provides important recreational opportunities, safeguards rare natural resources, and assures that a significant part of this Nation's outdoor heritage is passed intact to future generations.

We understand that hearings may be held in the Senate in the near future on the proposed wilderness designation of portions of the Great Smoky Mountains National Park. The legislative process provides a particularly well-suited forum for considering the various factors involved in the designation of the park as wilderness. Certainly this year, the park's 50th anniversary, would be an ideal time to enact any such legislation.

All the pending bills would also settle a number of issues surrounding the 1943 agreement. TVA, long ago, fulfilled all of its contractual obligations under that agreement. However, through the years TVA has worked with DOI, the State of North Carolina, and Swain County in an effort to fairly and responsibly resolve Swain County's interest in the issues related to DOI's decision not to construct, due to a variety of reasons, a replacement road along the north shore of Fontana Reservoir. We understand that the bills' proposed settlement of these issues--payment of $9.5 million to Swain County and forgiveness of a Federal loan--are actions which have local support in Swain County. We also think that these proposed actions would equitably settle a number of the issues surrounding the 1943 agreement and finally resolve this issue.

We do think, as your letter states, that any designation of the Great Smoky Mountains National Park as wilderness should expressly preserve the rights which TVA needs to continue its existing activities in the area. As you are aware, when TVA transferred a 44,170-acre area to DOI in 1948 for inclusion in the park, TVA retained a large number of rights in order to provide for TVA's possible future needs. It now appears that most of those rights in the transfer area can be relinquished without adversely affecting TVA activities. The rights that TVA needs to retain are to--

(1) operate and maintain the electric power transmission lines and right of way which run west and northwest from Fontana Dam;

(2) have lateral access to the Fontana Dam transmission lines and right of way from the area of the park south and west of the right of way;

(3) raise the water level of the Fontana Reservoir to the maximum probable flood elevation of 1,723 feet for flood control operations, remove structures below that elevation, and to have access to the area below that elevation at all times;

(4) install, maintain, and operate gauges to measure streamflow and rainfall in the TVA transfer area and at other locations in the park;

(5) raise the water level in the Cheoah reservoir below Fontana Dam to the maximum probable flood elevation of 1,308 feet; and

(6) install and maintain navigation markers along the north shore of the Fontana Reservoir.

So long as our rights are expressly preserved, we support the legislation pending in Congress to designate appropriate portions of the Great Smoky Mountains National Park as wilderness.

We appreciate your interest in TVA's views on this legislation.

Sincerely,

C. H. Dean, Jr.
Chairman

Senator WALLOP. Dr. Tanner.

STATEMENT OF DR. JAMES T. TANNER, SECRETARY, GREAT SMOKY MOUNTAINS CONSERVATION ASSOCIATION

Dr. TANNER. Mr. Chairman, I represent the Great Smoky Mountains Conservation Association, which was founded in 1925 to promote the establishment of the Great Smoky Mountains National Park.

I want to limit my remarks because of the short time to desirability of including in the wilderness area the lands lying north of Fontana Lake. I agree that this is a conservative and a prudent thing to do.

Let me begin by recalling a man who came to Bryson City in the early part of this century. His name was Horace Kephart. He wanted to live in the wilderness and to write about the wilderness. He moved into a cabin on the upper part of Hazel Creek, which is in the center of the area we have been discussing. And he roamed over what is now the major part of the western part of the park. He wrote, "In that superb wilderness that towers above the homes of men there is only mountain and forest, mountain and forest as far as the eye can reach."

He wrote that in a book called Our Southern Highlanders. It was the first book to tell the rest of the world about the Smoky Mountains. It helped to initiate successful movement. In the 1920's when he was living here in Bryson City, he worked effectively to promote the idea of a national park in the Smokies. If he were living today I believe that he would like to see his own wilderness home, even though it has long ago rotted away into humus—I think that he would like to see this area in a wilderness area.

The land north of Fontana Lake, as everyone here knows, is wild and rugged. With the lake at its foot forming a natural boundary, it is the largest section of the entire park that is isolated and inaccessible to vehicular traffic. Its isolation and its mountains and forests as far as the eye can reach make it eminently suitable to be designated as wilderness land.

Several years ago, as has already been mentioned, a road was started from Bryson City along the north side of Fontana Lake. Construction was stopped a few miles inside the park boundary because of the erosion and landslides that the road construction caused.

I have here a photograph of some of the damage done along that road. Copies of this photograph are part of the written statement I have submitted. The slopes here are steep. Its ridges are sharp. The valleys are narrow. Any road construction on the north side of Fontana Lake will be costly and damaging. We, therefore, have two reasons for opposing the construction of any roads in this part of the park: One is that any road will damage the land, and the second and major reason is that we believe that all the land north of Fontana Lake should be included in the wilderness areas.

Thank you, Mr. Chairman, and thank you for your courtesy.

[The prepared statement of Dr. Tanner follows:]

Statement at Public Hearing in Bryson City, N.C., March 16, 1984

by James T. Tanner

I represent the Great Smoky Mountains Conservation Association which was formed in 1925 to promote the establishment of a national park in the Great Smoky Mountains, and which was instrumental in acquiring land for this purpose. After the Park was established, the Association, now composed of twenty-four civic leaders, continued to work for the best interests of the Park.

In a meeting held on February 29, 1984, the members of the Association unanimously passed a resolution concerning wilderness areas in the Great Smoky Mountains National Park. A copy of the resolution is attached to this statement.

We support the goals of the Wilderness Act of 1964. This is a practical and conservative act to attain the idealistic goals of preserving wilderness for the benefit of ourselves and future generations. Benefits include preservation of the intangible and esthetic qualities of wilderness, preservation of links to our nation's pioneering past, and preservation of whole natural communities of plants and animals. Speaking personally as a zoologist and an ecologist, I can say that there are sound scientific reasons for preserving wilderness, because only in wilderness can ecological processes unmodified by man be studied. The value of the Great Smoky Mountains National Park for this purpose is shown by its designation as an International Biosphere Reserve.

We specifically support the designation of wilderness areas included in U. S. Senate Bill S. 1947 and House Bill H. 4262, identical bills introduced by Senators Howard Baker and Jim Sasser and Congressman John Duncan. These bills designate as wilderness areas about 467,000 acres depicted on the map of proposed management zoning in the Great Smoky Mountains National Park dated March 15, 1981. These areas were chosen after careful study of the entire Park by National Park Service personnel and interested citizens. The proposed wilderness areas have been prudently selected.

My remaining remarks concern the wisdom of including the lands lying north of Fontana Lake in the wilderness designation. This is a wild area of mountainous ridges, narrow valleys, and fine trout streams. Although logged over more than fifty years ago before the Park was established, the forest has recovered to clothe the rocky ground. With the recent incorporation into the Park of the lands formerly owned by the Cities Service Corporation, this region has become one continuous wild area with the natural boundary of Fontana Lake at its foot. Of all the large sections of the Park, this is the most isolated and the least accessible to vehicles. It well deserves being designated a wilderness area.

A road was once started from Bryson City along the north side of Fontana Lake, but construction was stopped about three miles inside the Park boundary because of extensive damage by erosion and slides. A photograph showing this damage is attached. The slopes here are steep, the ridges are sharp, and the valleys are narrow. Any road construction north of Fontana Lake will be costly and damaging.

We therefore have two reasons for opposing road construction in this area. One is that any road will damage the landscape, and the second and major reason is that we believe that the area north of Fontana Lake should be included in the wilderness lands.

Some local history supports our recommendations. Early in this century a man named Horace Kephart came to Bryson City. He wanted to live in and write about the wilderness, and he moved into a cabin on the upper part of Hazel Creek, near the center of the area we are discussing. His book, "Our Southern Highlanders", was one of the first to describe the Smokies and to interest the public in this region. Kephart's writings helped to initiate the successful movement for a national park, and he himself worked actively in this movement. I feel that he, if living today, would support the inclusion of his old wilderness home in the wilderness lands.

Finally, we are pleased that passage of these bills will settle the old controversy between Swain County and the federal government.

In summary, the Great Smoky Mountains Conservation Association endorses the bills S. 1947 and H.R. 4262 which designate 467,000 acres of the Park for protection under the Wilderness Act of 1964, and urges the enactment into law of these bills by the 98th Congress and the President of the United States.

James T. Tanner

James T. Tanner, Secretary
Great Smoky Mountains Conservation Association

Mail address: Department of Zoology
University of Tennessee
Knoxville TN 37996

Attachments: Photograph of road damage near Fontana Lake
Resolution adopted by the G. S. M. Conservation Association

Road west of Bryson City, north of Fontana Lake, G. S. M. Na. Park

great smoky conservation association

ORGANIZED TO ESTABLISH A NATIONAL PARK IN THE GREAT SMOKY MOUNTAINS AND TO PROTECT AND PROMOTE ITS INTEREST BEFORE AND AFTER ITS COMPLETION

RESOLUTION

February 29, 1984

WHEREAS, the Great Smoky Mountains Conservation Association was organized in 1925 to promote the establishment of a National Park in the Great Smoky Mountains and to promote its interest before and after its completion, and

WHEREAS, the Wilderness Act of 1964 enables the preservation of wilderness for the benefit of present and future generations of Americans, both for the intrinsic values of wilderness and as a link with our pioneering past, and

WHEREAS, the Great Smoky Mountains National Park has been designated to be an International Biosphere Reserve because of its extraordinary richness of plants and animals surviving in a pristine environment, and

WHEREAS, on October 7, 1983, Senators Jim Sasser and Howard Baker of Tennessee introduced in the Senate bill S. 1947, and on November 1, 1983, Congressman John Duncan of Tennessee and James Clark of North Carolina introduced in the House of Representatives bill H.R. 4262, being identical bills to designate certain lands in the Great Smoky Mountains National Park as wilderness, and

WHEREAS, said bills provide an amicable settlement of the longstanding dispute between Swain County and the Federal Government, and

WHEREAS, an alternative wilderness bill, S. 2183, was introduced in the Senate on November 14, 1983, by North Carolina Senators Jesse Helms and John East which is similar to the previously mentioned bills but differs in deleting about 67,000 acres lying north of Fontana Lake from the wilderness lands and in requiring the construction of a road to provide access to selected cemeteries in that area, and

WHEREAS, the area lying north of Fontana Lake should be preserved as wilderness because it is wild, it is naturally isolated, and a road constructed in its steep terrain would do incalculable damage, and

WHEREAS, the bills S. 1947 and H.R. 4262 require the National Park Service to continue providing access to the cemeteries as it has been doing, and

WHEREAS, 1984 is the Golden Anniversary of the Great Smoky Mountains National Park making this an appropriate year to complete a wise act of conservation ,

NOW THEREFORE, BE IT RESOLVED that the Board of the Great Smoky Mountains Conservation Association, assembled in an official meeting on February 29, 1984, endorses the bills S. 1947 and H.R. 4262 which designate 467,000 acres of the Park for protection under the Wilderness Act of 1964, and urges the enactment into law of these bills by the 98th Congress and the President of the United States, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to members of the Senate and House of Representatives, to the governors of North Carolina and Tennessee, and to other concerned persons.

By unanimous vote of the Board of this Association on February 29, 1984.

John M. Smartt

John M. Smartt, President

James T. Tanner

James T. Tanner, Secretary

Senator **Wallop**. Thank you, Dr. Tanner.

Mr. Busing.

STATEMENT OF BILL BUSING, ON BEHALF OF THE SMOKY MOUNTAINS HIKING CLUB

Mr. **Busing**. Mr. Chairman, I represent the Smoky Mountains Hiking Club with 410 members. We strongly support Senate bill 1947 calling for 467,000 acres in the Great Smoky Mountains National Park to be designated as wilderness.

The U.S. National Park System is the envy of the whole world. The Great Smoky Mountains National Park, the outstanding public attraction of this system, has achieved recognition as an International Biosphere Reserve. The Great Smoky Mountains Wilderness Act, S. 1947, will put substantitally all of the unroaded areas of this park under the protection of Congress as wilderness.

This area is unparalleled as a resource for the study of rare plants. It is the largest undisturbed habitat for animals in the East. It is a national laboratory for assessing the effects of pollutants such as acid rain. Any reduction of the area below the full 467,000 acres would significantly erode it usefulness for these purposes.

We, therefore, oppose the alternative bill, S. 2183, which requires new roads to be built in the park. Access to family cemeteries is assured by S. 1947, which supports continuation of the present park policy, under the general management plan, to assist this access. We favor monetary payment to Swain County and cancellation of other indebtedness as a just settlement of the 1943 agreement.

The Wilderness Act, which has been in effect for 20 years, has provided protection for many distinctive and fragile areas as a part of the National Wilderness Preservation System. Now it is time for all of us to join together to preserve our own unique and beautiful mountain area in its entirety for the enjoyment of our children, our grandchildren and for the grandchildren of all Americans.

Thank you.

Senator **Wallop**. Thank you, Mr. Busing.

Mr. Snodgrass.

STATEMENT OF RANDY SNODGRASS, SOUTHEAST REGIONAL DIRECTOR, THE WILDERNESS SOCIETY

Mr. **Snodgrass**. Thank you, Mr. Chairman.

My name is Randy Snodgrass, and I am the southeast regional director for the Wilderness Society. The Wilderness Society is a national conservation organization with more than 105,000 members dedicated to the wise use, preservation, and management of the Nation's public lands—our national parks, forests, and wildlife refuges.

We are particularly delighted about the prospects for wilderness designation of the Great Smoky Mountains National Park in this year of its golden anniversary. Like the Smokies, the Wilderness Society is soon to celebrate its 50th birthday. But, more important, I want to note that our organization was organized with the beauty and inspiration of these Smoky Mountains as a backdrop. Our farsighted founders were on a field trip near the present-day park boundary when the idea came to them for, and I am quoting their words, "An organization of spirited people who would fight for the freedom of the wilderness."

With our rich history in mind, the Wilderness Society is pleased to be here today to offer our support for S. 1947, the Baker/Sasser Great Smokies Wilderness bill. We suport the protection of 467,000 acres which has been recommended by the National Park Service and are presently being managed by that agency as wilderness.

In addition, we applaud the provisions in the bill which resolve the 1943 agreement between the Tennessee Valley Authority, the Department of the Interior, and Swain County by payment to the county of $9.5 million. We would recommend, however, that this Senate committee adopt the language in Congressman Jamie Clarke's bill, H.R. 3547, which would provide immediate payment to Swain County by authorizing and appropriating simultaneously.

The Wilderness Society opposes the authorization of a very environmentally damaging road, primitive or otherwise, along the north shore of Fontana Lake. Further, we cannot support the deletion of 67,000 acres of wilderness from the National Park Service recommendation as in S. 2183. We would, in fact, make every effort to assure no bill is passed by this Congress rather than accept these provisions.

By way of clarification, we want to point out that wilderness designation for this park will have no effect on the use of motorboats on Fontana Lake. Even if the lake were inside the wilderness boundary, which it is not, the Wilderness Act of 1964 in section 4(d)1 would permit this prior existing use to continue. A good example is the Okefenokee Swamp Wilderness of south Georgia. Motorboat use is permitted there even within the wilderness boundary. It is not the intent of this legislation to prohibit motorboat use on any portion of Fontana Lake.

Finally, it should also be noted that wilderness designation in the park will have absolutely no effect on U.S. Highway 441. It will remain open. The quality of the park for the more than 8 million visitors annually can only be improved by wilderness protection.

Mr. Chairman, the Wilderness Society appreciates the opportunity to testify before this committee. I will be happy to answer questions.

Thank you.

Senator WALLOP. Mr. Snodgrass, thank you.

Let me just say that I, as one Senator, do not appreciate threats. We are here to hear all the people, the views of the Wilderness Society, as well as those of the inhabitants and people on both sides of this issue. I mean, I simply won't respond to a threat that says you will make every effort to assure that no bill is passed. It seems to me that is rather shortsighted of you.

And I would invite any of those here who are telling me that this is a just solution to the 1943 agreement to, in written statement tell me what is just about it.

I am not a wealthy man. If somebody came up to me in 1943 and took $10,000 from me, and now in 1984 says, "I have come to give you a just solution. Here is 10"—I wouldn't be happy. But there may be things about it that I don't know, so I am inviting a written submission as to what is a just amount. To the fact that it satisfies other interests? Maybe so, but to the fact that it satisfies the interests of those to whom the commitment was made, I would like to have some testimony on that, written, or somebody that's coming here later in the day.

Thank you all very much.

Mr. **Snodgrass**. Thank you, Mr. Chairman.

Senator **Wallop**. Mr. Proctor, Mr. Patton, Mr. Chandler, and Ms. Breedlow, and on deck now is Mr. William Carpenter, Claude Douthit, Doris Hipps, and Mr. Gerald McKinney.

Mr. Proctor.

STATEMENT OF TROY PROCTOR, BRYSON CITY, NC

Mr. **Proctor**. Mr. Chairman, my name is Troy Proctor. I was born in Bushnell, NC, and lived there until the building of the Fontana Dam in 1943.

My forefathers and my wife's forefathers were pioneer settlers of this area of western North Carolina. We have strong emotional connections and deep cultural roots, along with our religious beliefs to this region.

The 1943 contract to build a road from Deals Gap to Bryson City was agreed upon in good faith before the people moved at the flooding of Fontana Dam. In the 1940's, sir, I was asked to register, and it was soon after this, to serve our country, which I did with millions more in good faith and with a great deal of pride. But if I had failed, sir, to respond to my Government's request, I would have been looked upon as a deserter through eyes of shame and disgrace. I feel that my Government has this same type of obligation to fulfill its contract and agreements to its people, and that does include the people involved in this controversy.

In my opinion the 44,000 acres in question does not meet wilderness criteria. It is filled with roads, old fields, sawmill sites, logging roads, pit mines, homesites and, most important of all, some 29 cemeteries with 813 graves, I strongly feel that this acreage should not be considered in any wilderness proposal.

The Tennessee side of these same Smoky Mountains has paved roads and access to all of their cemeteries which lead deep into the park. This leads me to believe that we in North Carolina and Swain County are not asking for the impossible but are only asking for a small portion of what the other half of the Great Smoky Mountains have been enjoying for years.

I appreciate you folks coming to western North Carolina and showing interest in our problem.

Thank you.

[The prepared statement of Mr. Proctor follows:]

Bryson City. N.C.
March. 7. 1984

Senator Jesse Helms.

Sir, My name is Troy Proctor I'm writing to request. Time to speak at the meeting to Be Held in Bryson City on March 16. By your office on settlement of the 1943 Contract agreement by the government. and Swain County.

I was a 14 year old Boy living in Bushnell. N.C. when this agreement was made. and we had to move. I remember well the years that followed. The road that was never Built. a road that perhaps is now to late for many of those to whom it meant so Much. I would Just like to speak express my thoughts on the flagrant and dishonest way this has Been handled over the Years.

Thank you.

Troy Proctor
Bryson Branch Rd
Bryson City. NC 28713

Senator WALLOP. Thank you, Mr. Proctor.
Mr. Patton.

STATEMENT OF EDWIN H. PATTON

Mr. PATTON. Mr. Chairman, Senator Helms, I could begin by saying two score and one year ago, and were it 4 to 6 years hence, I could say four score and seven years ago, as Abraham Lincoln did long ago—I think this is a long time for an agreement to go unsettled. Let me say that I am here in support of Senator Helms' bill, Senate bill No. 2183. What I have to say has probably been said two or three times already but I have it summarized here and I would like to say it again.

I am against the wilderness area bill introduced by Congressman James Clarke and also against the bill introduced in the Senate by the two distinguished Senators from Tennessee, Baker and Sasser.

My reasons for my stand are:

One, we need a road of some kind to the gravesites of our ancestors, which are now inaccessible from the area around Fontana Lake;

No. 2, we need the road across the Smokies from Cherokee, NC, to Gatlinburg, TN, Highway 441, to stay open. Under the bills of Clarke or the one Baker and Sasser have introduced, this route would probably be closed, because it would be completely under the control of the Department of the Interior and could be closed if in their discretion they deem it necessary. This would mean that Swain County would have to go all the way to Waynesville, NC, 35 miles one way, to go into Tennessee.

No. 3, I am strongly against 1½-mile buffer zone for the wilderness, which under the Wilderness Act could be put into effect, if such a wilderness bill passes. My family and I live only one-fourth of a mile from the Deep Creek campground, which is inside the Great Smoky Mountains National Park. They could and probably would sometime take over land which falls within this 1½ mile buffer zone.

I thank you for this opportunity to express my views on this important matter. I have read your bill and support you, Senator Helms.

Thank you very much.

[The prepared statement of Mr. Patton follows:]

March 8, 1984

Dear Senator Helms:

I am against the Wilderness Area Bill introduced by Congressman James Clarke & also against the Bill introduced in the Senate by the two distinguished Senators from Tennessee.

My reasons for my stand are:

1- We need a road of some kind to the grave-sites of our ancestors which are now inaccessible to the cemeteries in the area around Fontana Lake.

2- We need the road across the Smokies to Gatlinburg, Tennessee - Highway 441 - & under the bills of Clarke, Baker, & Sasser it will be closed if it is completely under control of the U.S. Park Service. We in Swain County could have to go all the way to Waynesville, N.C. - 35 miles, one way, - to go into Tennessee.

3- I am vehemently against a mile & a half buffer zone for the "Wilderness." I only live 1/4 mile from the Deep Creek Camp Ground which is inside the U.S. Smoky Mtn. Park. They could, &

probably would, take over all land which falls within this 1½ Mile "Buffer Zone."

I thank you & hope that you will think about what I am saying. I have read & like your Bill, & I have always supported you. I shall continue to do so. I remember when you did the editorials over the TV Station in Black Mtn. One editorial I particularly remember was about Wm. E. Stram who was murdered by Mary Ann somebody. So believe me I do know you for many years — even though we have never met face to face.

Sincerely yours,
Edwin H. Patton,
Accountant & Tax Consultant

I would like time
o speak . .

Senator WALLOP. Thank you, Mr. Patton.

Mr. Chandler.

STATEMENT OF FRED CHANDLER

Mr. CHANDLER. Mr. Chairman, Senator Helms, we know without any doubt that we were promised a road in 1943. I mean, that's been established between the Government, Swain County and the State of North Carolina, but, you know, the burden never did lie on the State of North Carolina or on the Swain County Commissioners, on the Sierra Club or on any environmentalists. The burden was on the people that had to leave their homes and leave the cemeteries, and the people were even encouraged to leave their dead in the cemeteries, that the road would be built and they could always go back to them. There will be testimony today, I'm sure, to that effect.

A lot of young boys, as this gentleman has already stated, had gone at that time to serve their country, and I am thankful that I was one of them, proud of it. I left a wife and a child, and she certainly had a hard time. Transportation at that time was scarce, and money was scarce. We were just poor, God-fearing, honest, believing people, and we took people's word, which I'm sorry to say that we can't do today. We took the Government's word that there would be a road built, and we are still hoping that it will be.

In Mr. Pachnowski's letter to the Asheville Citizen last Sunday he stated that the contract was made to build the road, which we all know, and it was for use of all people. He also said that the residents of Swain County and various interest groups must accept the fact that a road will not be built.

Well, now, how can you call for a just settlement unless there is a road built? When you promise a man something, you give your word. What the Government did, there can't be any justification unless there is a road built, in my opinion.

On Memorial Day services, it has been customary in this land, as long as people have been here, to observe Memorial Day and go to the soldiers' graves, which we have soldiers in, I believe, 26 of the 27 cemeteries over there, which there ought to be. They ought to be visited, visit their dead and their relatives, as well.

But the transportation that the park talks about is unsafe and inadequate. I wish you people could go down one time and watch the people try to get on the barge. Lots of times all the people never get to the cemetery until the service is already over. If you are caught over there in a rain or a hard storm, which we have pretty regular here, and we have been caught in, there is no shelter whatsoever for the people, and nothing to get in to protect them from the elements.

We feel like we are asking mighty little for a 10-foot logging style road into the cemeteries to let the people get in. And these other groups, these interests, they have got all these thousands of acres for hiking, for whatever they want to do. But give these local people a little bit to enjoy for themselves.

Senator WALLOP. Thank you, Mr. Chandler.

Ms. Breedlow.

STATEMENT OF JOYCE BREEDLOW

Ms. **Breedlow**. Thank you very much for being here and I sincerely say that.

I might say a few things that I really do not like to say about the U.S. Government, but I believe I lost part of my heritage when it was taken over by the U.S. Government. My grandfather, Andrew J. Posey, owned 300-plus acres of land on Pilkey's Creek. He was not asked if he would sell it. He wasn't asked what he would take for it. He was told that he would get $2,000 for it. Then when he refused to sign a deed, he was forced to watch a judge sign a deed for him.

Now, for over 40 years the Government has not honored a contract or an agreement entered into with the people of Swain County to rebuild the road to our cemeteries and our homeplaces.

You know, we in America like to use as our theme human rights. I believe we need to wash a few of our own linens. Both of my grandparents, I can remember, talked about how much easier it would be to die if they could just go back home just once. They didn't make it. But as I see my mother walk up Pilkey's Creek, Hazel Creek, Proctor, and my father, and I see the years roll off of their shoulders as they start talking about happy, younger days—I am sorry. You have no right to take that away from them. They deserve better than that.

Thank you.

[The prepared statement of Ms. Breedlow follows:]

Joyce's Shoe Inn
50 Highlands Road • Franklin, North Carolina 28734 • (704) 524-5622

March 7. 1984

To whom it may Concern

No 1 I'm requesting time to speak at the March 16th meeting at Bryson City N.C.

No 2 I'm one of those people who were robbed of their heritage by the "United States Government." My grandfather Andrew J. Posey owned 900 plus acres of land on Pilkey Creek. He was neither asked if he would give up this land or what he would sell it for. He was told he would get $2000.00 for it, then when he refused to sign the deed, was forced to watch a Judge sign it for him.

Now for over 40 years the government has not honoured an agreement that was entered into with the people of Swain County to build a road back to our cemeteries and home places.

For years I've seen my father get a gleam in his eye thinking finally we've got someone in government office who is honest enough to right the wrong. Someone who will see that we get our road plus compensate Swain County for the loss of this land and taxes. As a business person I notice the sales tax figures for Swain County and know what a small percentage of taxable land they have left. Why can't both problems be taken care of without government wanting more control than they already have of the Great Smoky Mountain National Park.

Thank you
Joyce P. Breedlove

Senator WALLOP. Thank you very much, Ms. Breedlow.

I thank you all. If I get a good answer from anybody as to how the 1943 agreement can be satisfied, I will be glad to talk to you.

Panel No. 5: William Carpenter, Mr. Douthit, Ms. Hipps, and Mr. McKinney.

On deck, Mr. Ralph Lyday, Mr. Ralph Jenkins, Mr. Arthur Odom, Mr. Stanley Hall, and Mr. Henry Truitt.

Mr. Carpenter.

STATEMENT OF WILLIAM L. CARPENTER, EXECUTIVE DIRECTOR, GATLINBURG CHAMBER OF COMMERCE

Mr. CARPENTER. Mr. Chairman, thank you.

My name is Bill Carpenter. I am the executive director of the Gatlinburg Chamber of Commerce testifying on behalf of the business sector of Tennessee's premier resort community. We are a city whose entire existence depends on tourism to generate nearly $150,000 million from travelers whose prime destination is the Great Smoky Mountains National Park. I am also testifying personally as an individual who has been in love with these mountains for many, many years now.

Allow me to preface my remarks by recognizing that the Swain County issue is basically one to be resolved with the citizens of western North Carolina and not with us Tennesseans. That does not, however, diminish the importance to eastern Tennessee of the final legislation that comes out of this body. When it comes to park legislation, whether or not it is fully recognized, what's good for North Carolina is usually good for Tennessee and vice versa.

There has been some conflict and misunderstanding between communities in our two neighbor States over the years, but I feel that our joint efforts in planning and promoting the celebration of the golden anniversary of the park this year is showing that we can work together effectively for our mutual benefit. The park is physically located in Tennessee and North Carolina but it is really owned by all the citizens of this land.

We have to recognize that Congress, in creating the National Park Service in 1916, mandated an almost impossible task when they decreed that the national parks were to be both preserved and used. We in Gatlinburg feel that the Baker/Sasser bill comes closest to fulfilling those divergent goals. It effectively follows the wilderness management policy already in practice today as part of the Department of Interior's master plan for the Great Smokies, and it ensures that the current administration or any future administration will not undo what has already been accomplished, to preserve and use one of our greatest natural heritages.

The Baker/Sasser bill effectively offers permanent protection for the watershed for all of our communities, not only Bryson City and Gatlinburg, but Cherokee and Townsend and scores of others in both States as well. It does not take away the privileges which more than 9 million people exercise each year in using the park from Fontana Lake to Cades Cove.

In addition, we feel that the $9.5 million payment, the forgiveness of debt and the pledge for continued access to the cemeteries in Swain County offers the best solution to the longstanding dispute between the Park Service and our friends in western North Carolina.

We are opposed to the construction of a road through the Hazel Creek area. The cost in dollars and the damage to the creeks and fragile environment of the Great Smokies is too high a price to pay.

The Great Smoky Mountains National Park is being effectively managed as a wilderness today. We ask that you make it official and give the Smokies the best 50th anniversary present possible by passing the Baker/Sasser bill in time for its June 15 birthday.

Thank you.

Senator **Wallop**. Thank you very much, Mr. Carpenter.

Mr. Douthit.

STATEMENT OF CLAUDE M. DOUTHIT

Mr. **Douthit**. I am Claude Douthit, aged 55, a native citizen of Swain County, NC. I am a retired employee of the Tennessee Valley Authority.

I have two sisters buried on the north shore of Fontana Reservoir.

As a part of the 1943 Fontana agreement, a road was promised which would link Bryson City and Fontana Dam to be constructed by the National Park Service. This road was promised in exchange for 44,000 acres of land which were to be included in the Great Smoky Mountains National Park, since it was being removed from Swain County's tax base.

Forty cemeteries, containing 2,043 graves, were affected by the Fontana project. Removal agreements were executed with next of kin for the removal of 1,049 graves to other cemeteries, and 901 remain agreements were executed with the next of kin for graves to be left where they were. And no identification, removal or remain agreements could be executed for the other 93 graves.

Based on the 1943 Fontana agreement I ask this committee to recognize as fact, one, that a road was promised to link Bryson City and Fontana Dam, and, two, that 40 cemeteries were affected.

My observations are, one, no road has been completed nor was a road promised for the specific purpose of access to the cemeteries.

I have two sisters buried on the north shore of Fontana Lake but I do not cry foul and say I have been mistreated by the Federal Government. I have never been denied access to visit their resting places.

As a resolution of the foregoing, I propose the following: A cash settlement to Swain County in the amount of $9.5 million; forgiveness of the Farmers Home Administration loan; amend Senate bill 2183 to concur with Senate bill 1947. I then urge this committee to base its findings on fact rather than on the emotions of persons who may have special interests.

Thank you, sir.

[The prepared statement of Mr. Douthit follows:]

TO:
The Honorable Jesse Helms
The Honorable John East
The Honorable Malcolm Wallop
Members of Committee

ISSUE: Senate Bill No. 2183

INTRODUCTION: I am Claude Douthit, age 55, a native citizen of Swain County, North Carolina. I am a retired employee of the Tennessee Valley Authority. I have two sisters burried on the north shore of Fontana Reservoir.

FACT 1: As part of the 1943 Fontana Agreement, a road was promised which would link Bryson City and Fontana Dam, to be constructed by the National Park Service. This road was to be constructed when and if the Congress of the United States appropriated funds for its construction. The road was promised in exchange for 44,000 acres of land which were to be included in the Great Smoky Mountains National Park, since it was being removed from Swain County's tax base.[1]

FACT 2: Forty cemeteries, containing 2,043 graves, were affected by the Fontana Project. Removal agreements were executed with next-of-kin for the removal of 1,049 graves to other cemeteries; and 901 remain agreements were executed with the next-of-kin for graves to be left at their location. No identification, removal, or remain agreements could be executed for the other 93 graves.[2]

REQUEST: Based on the 1943 Fontana Agreement, I ask this committee to recognize as fact (1) that a road was promised to link Bryson City and Fontana Dam, and (2) that 40 cemeteries were affected.

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[1] Comprehensive Report on the Planning, Design, Construction and Initial Operation of the Fontana Project, Technical Report No. 12, The Fontana Project: U.S. Government Printing Office, Washington, D.C.

[2] Ibid.

OBSERVATION:

1. No road has been completed, nor was a road promised for the specific purpose of access to cemeteries.
2. I have two sisters burried on the north shore of Fontana Lake, but I do not cry "foul" and say I have been mistreated by the Federal Government. I have never been denied access to visit their resting place. I am not represented by, and I do not belong to, a cemetery association. Since agreements were executed by the next-of-kin to leave 901 graves where they were, I feel these agreements should be honored.

RESOLUTION: As a resolution of the foregoing, I propose the following:

1. A cash settlement to Swain County in the amount of $9.5 million.
2. Forgiveness of the Farmers Home Administration loan secured to build Swain County High School (approximately $2.5 million).
3. Ammend Senate Bill 2183 to concur with Senate Bill 1947, then urge passage of Senate Bill 1947 by the Senate.

CONCLUSION: May I urge this committee to base its findings on fact rather than on the emotions of persons who may have special interests.

Respectfully submitted,

Claude M. Douthit

Claude M. Douthit
P.O. Box 184
Bryson City, NC 28713

Senator Wallop. Thank you, Mr. Douthit.

Ms. Hipps.

STATEMENT OF DORIS HIPPS

Ms. Hipps. Hon. Chairman Wallop, Hon. Jesse Helms, my name is Doris Hipps. I am a native of Swain County and a teacher and librarian in the Swain County School System. I am a direct descendant of one of the families who had to move from land which is now within the Great Smoky Mountains National Park.

I respectfully request that you and your colleagues in the Senate, as you consider Senate bills 1947 and 2183, lend your strongest possible support to provisions providing for a payment of $9.5 million to Swain County, and immediate forgiveness of the outstanding balance of the FHA loan for the Swain County High School.

Now is the time for the U.S. Government to fulfill a reasonable settlement of the 1943 agreement with Swain County.

I request that this subcommittee give a favorable report to legislation which can gain broad bipartisan support and have a reasonable chance for passage in both Houses of the Congress.

Thank you.

[The prepared statement of Ms. Hipps follows:]

Doris Hipps, P.O. Box 1096, Bryson City, N.C.

Remarks before the Public Lands and Reserved Water Subcommittee of the Senate Energy and Natural Resources Committee on S. 1947 and S. 2183 - March 16, 1984, Bryson City, N.C.

Honorable Chairman Wallop, Honorable Senator Jesse Helms:

My name is Doris Hipps. I am a native of Swain County, and a teacher and librarian in the Swain County School System. I am a direct descendant of one of the families who had to move from land which is now within the Great Smoky Mountains National Park.

I respectfully request that you and your collegues in the Senate, as you consider Senate Bills 1947 and 2183, lend your strongest possible support to provisions providing for: a payment of $9.5 million to Swain County, and immediate forgivness of the outstanding balance of the FHA loan for the Swain County High School. Now is the time for the United States Government to fullfill a reasonable settlement of the 1943 Agreement with Swain County.

I request that this sub-committee give a favorable report to legislation which can gain broad bi-partisan support and have a reasonable chance for passage in both Houses of the Congress.

Thank You.

Doris Hipps

Senator WALLOP. Thank you very much, Ms. Hipps. I appreciate your testimony.

Mr. McKinney.

STATEMENT OF GERALD McKINNEY

Mr. McKINNEY. My name is Gerald McKinney. I am a teacher at Swain County High School and a lifelong resident of Swain County.

Senator Helms and Senator East, along with the two Senators from Tennessee, should be commended for introducing bills into the Senate to solve a 41-year-old controversy between Swain County and the U.S. Government. Both these bills offer a fair and equitable cash settlement in lieu of the proposed north shore road.

This cash settlement takes on even greater proportions when one considers that Swain County has only 19 percent of its land for taxable purposes, with 81 percent of the land either owned by or controlled by the Federal Government.

As was pointed out in the presentation by students from Swain County High School, Swain County has given more than its fair share to create the Great Smoky Mountains National Park. We are proud of what it stands for, both in terms of scenic beauty and historical background. We ask only that the Federal Government return to Swain County part of what it lost in memories, land, and family roots.

In regard to the wilderness provisions of this act, I am in agreement that a wilderness designation is appropriate for most of the park. My only concerns are the possible problems that could arise if buffer zones are not included possibly inside the park. Recreational use of the park and surrounding areas, such as Fontana Lake, must also receive a high priority, not only from an economic impact but also due to the millions who use the park around its periphery. I would suggest that you prevent any possible future legal problems and also continue the access or improved access to the cemeteries.

Regardless of what determinations are made as to the area to be designated as wilderness, it should not be forgotten that Swain County is due a favorable settlement. Anything to the contrary would be an injustice to the citizens of this county who have shown faith and patience for over 40 years.

Thank you.

Senator WALLOP. Thank you, Mr. McKinney.

All right. The next panel is Jack Lyday, Ralph Jenkins, Arthur Odom, Stanley Hall, and Henry Truitt. And on deck is William G. Davis, John L. Mattox, H.L. Bacon and W.T. Rolen.

Mr. Lyday.

STATEMENT OF ROBERT L. LYDAY

Mr. LYDAY. Mr. Chairman, I am a retired county agent in this county, and it's my opinion, Senator Helms, that this is a case of the U.S. Government running roughshod over a tiny segment of its people during the heat of World War II. At that time they didn't know why it was being done, but now we know. The scars of this affair still linger. In my years as county agent here I have seen people living on dirt floors—not many of them, but some.

Now, I am endorsing Senate bill 2183. I believe that the $9.5 million is meager when you consider the whole commitment. The agreement was valid. The Government and State validated it, first the mile section, about 47, being from Fontana up toward Eagles Creek. Then under Governor Hodges, the 3 miles roughly from Bryson City to the park boundary and then about 6 miles on in beyond Noland's Creek. The actions of the Federal Government have validated the contract by action. I think at least a fourth of the cost of the construction of the remaining contract would be a minimum. All of Swain County's land was taxable prior to 1924.

Chairman Wallop, that's a little different from out West. The Government out there has always owned the land, but here ours was all taxable prior to 1924, even the Indian land. Now, less than 60,000 acres is taxable.

Ed Whittaker, who is former country attorney here and a North Carolina State senator, told me that the year after the Fontana project was completed and the land was taken off the tax books that the county defaulted on its bond. They did not collect enough taxes to even pay the interest on the debt. Of course, the county had to refinance under court order. The debt was finally paid off about 1975.

One of the more important things to consider is the economic and social disturbances in the population here that is a result from all this Federal land acquisition. People have been moved off the land. A study of county welfare rolls and the poverty levels, housing over the past 40 years, are extremely disturbing, I would say. Last month our unemployment rate—I believe in January—was over 28 percent. We constantly rank in the top here.

The communities of Proctor, Bushnell, Judson, Almond are all gone, and I want you to remember that Almond was at one time an incorporated town.

Senator WALLOP. Mr. Lyday, could you summarize, please?

Mr. LYDAY. Yes, sir, Thank you, sir.

I would suggest finally a national study by some top sociologist of the county's history since 1964 and, as a result of this study, something be done to relieve and heal the scars that have resulted from this thing.

Thank you.

[The prepared statement of Mr. Lyday follows:]

Statement of: Robert L. Lyday

Subject - S.2183. "Great Smoky Mountain Wilderness Act"
For - Congressional Hearing, Bryson City, N.C. March 16, 1984

I generally support S-2183, however, some of the problems surrounding the 1943 Fontana agreement need discussion.

1- The 1943 agreement to replace the state Highway, covered by Lake Fontana, by the North Shore road was and is a valid document.

Proof:

A- The US government built the first segment of this road, as Fontana Dam was built. This Mile long segment has been allowed to crumble -

B. The State of North Carolina, under Governor Luther Hodges constructed a three mile segment leading from Bryson City to the Park Boundary -

C- The U.S Bureau of Public Roads completed a six and one half Mile segment from the Eastern Park Boundary to a tunnel just west of Nolands Creek -

Thus three signators to the 1943 Contract have participated fulfilling the agreement up to this point.

I must add that the National Park Service and the Sierra Club in particular, have fought the idea of the North Shore Road at every opportunity. In so doing they have put the Park first and the affected people last - In effect they have put "things" before people - We reject this idea and insist that the welfare of the local people affected in this matter should recieve priority - It is interesting to note that Neither the National Park Service nor the Sierra Club are signators to the 1943 agreement.

I simply do not understand why any part of our government or governmental agency should be allowed to default on such an agreement.

Mr Bob Estes was Chairman of the Swain County Board of Commissioners in 1943 and signed the agreement in behalf of the County. In the late 1940's I overheard Mr Estes say that the agreement was signed hurriedly because of World War II. The Dam was needed for defense purposes. That the Commissioners had been assured that just as soon as the War was over that the North Shore Road would be built. That he was upset because no action had been taken to fulfill the agreement. Further that it seemed that the government could not be trusted and that he and the Commissioners should not have signed until and unless they had negotiated a Deed of Trust arrangement with the Dept of Interior, letting the 44,000 plus acres stand good for the road.

Mr Estes finally moved from Swain County to the State of Washington.

In 1966, the National Park Service, held a hearing on Wilderness for the Great Smoky Mountains National Park. The place ~~is~~ was the Federal Building in Bryson City. People attended from as far away as New York, Florida and Texas. The park proposed that 247,000 acres be designated as Wilderness. For some three months prior to the meeting the Park had sent Rangers to Bryson City. for the purpose of getting the County to endorse the proposed setting aside of the 247,000 acres for Wilderness. In the end the leadership agreed and so testified. We thought that the Question was settled. Now however we find that the National Park Service (18 yrs later) want 400,000 or more acres for Wilderness!

The above described action shows the National Park Service to be fickle and non trustworthy.

I would suggest and fervently hope that the Congress would not see fit to pass any Wilderness legislation pertaining to the Great Smoky National Park, until the 1943 Fontana Agreement with Swain County has either been fulfilled or renegotiated. on mutually satisfactory basis -

Any Wilderness designations in the park should be carefully planned. Some points to keep in mind would be.

A- In time of National Emergency could the Valuable Copper be mined in and around Eagle Creek -

B- Would the cemeteries and rights of way to them be excluded from Wilderness by law, or could some Park Supt. say ~~25~~ years from now, issue a directive that would prohibit access.

C- Would the highway from Cherokee to Gatlinburg and the North Shore road link be excluded from Wilderness by law -

D- In the next 50 years, attendance or Visitation of the Park will increase - At least 2 or 3 future Camp sites in each of North Carolina and Tennessee should be excluded from Wilderness. They should be on the fringe of the Park and should contain not less than 500 acres each and be selected now -

Finally, if it should be decided that the North Shore road can not be completed, access to the cemeteries should be provided

as the former residents were promised -
A minimum would be a logging type road connecting the roads already in the Park.
I would suggest that Tennessee already has such a road on their side of the Park - It was from Gatlinburg to Cades Cove, then from Cades Cove, a logging type road inside the Park known as the Parsons Branch Road, to US 129 several miles below Deals Gap - This Parsons Branch Road is controlled and presents no serious management problems for the Park -
Surely Swain County people should have equal type access -

In closing, I would like to comment on the social upheaval that has taken place in Swain County over the years of mass removal and relocation of people - A study by any reputable sociologist would still show scars - Swain still has about the highest unemployment rate in the state. A study of the County's Welfare rolls over the past 40 years would show large abnormalities - The percentage of people living below the poverty level is abnormally high - County government finds it difficult to raise enough taxes to provide many needed public services - The US government, in acquiring more than 85% of Swain County's land since 1924, has contributed to Swain's loss of population and increase in poverty levels - See Exhibit C -

I am enclosing as Appendix A - a table showing Federal ownership of land in Swain County and Appendix B - showing the rapid fall in Population from the 1920 census until 1980 -

The situation in Swain County is totally different from those situations in the Western United States - In many of those areas the government has always owned the land.

Here up until 1924, all of Swain's land was on the tax books, even the Indian lands. Then in 1924 the Indian lands were removed from the tax books, followed by U.S. Forest Service and the early Park Service acquisition Then came Fontana Lake and the 44,400 acres on the North Shore -

I would propose, that since the Federal government has played such a leading role in reducing Swain County's resources, that it should create such programs as is necessary to assist the County in overcoming its problems, whether they be economic or social in Nature-

Respectfully submitted

Robert L. Lyday -

Appendix A

LAND OWNERSHIP

SWAIN COUNTY, NORTH CAROLINA

Total Land Area In Swain County............339,200 Acres

Land Area In Federal Ownership............ 280.259 ~~272,979 Acres~~

Private Owned Land........................ ~~66,221 Acres~~ 58,941 - Acres

FEDERAL LAND OWNERSHIP

Federal Agency	Acres	
Great Smoky Mountains National Park	~~214,318.36~~	216,548.36
Cherokee Indian Reservation	~~29,405~~	29405.00
Nantahala National Forest	~~21,179~~	26179.00
Tennessee Valley Authority	~~7,368~~	7368.00
Blue Ridge Parkway	~~709.21~~	709.21
Total Land Area In Federal Ownership	~~272,979.57~~	280,259.57

January 1984
Revised ~~September~~ 1976

Appendix B -

SWAIN COUNTY POPULATION

DATE	POPULATION
1880	3,784
1890	6,577
1900	8,401
1910	10,403
1920	13,224 *
1930	11,558
1940	12,177
1950	9,921
1960	8,387 **
1970	7,861 (Preliminary)
1970	8835 ~~[illegible]~~ (Final)
1980	10,240

*-Note Population High point - All County land taxable as of 1920

** Note Decrease in population from 1920 - 1960 - The ~~[illegible]~~ period of mass relocations of Swain County people

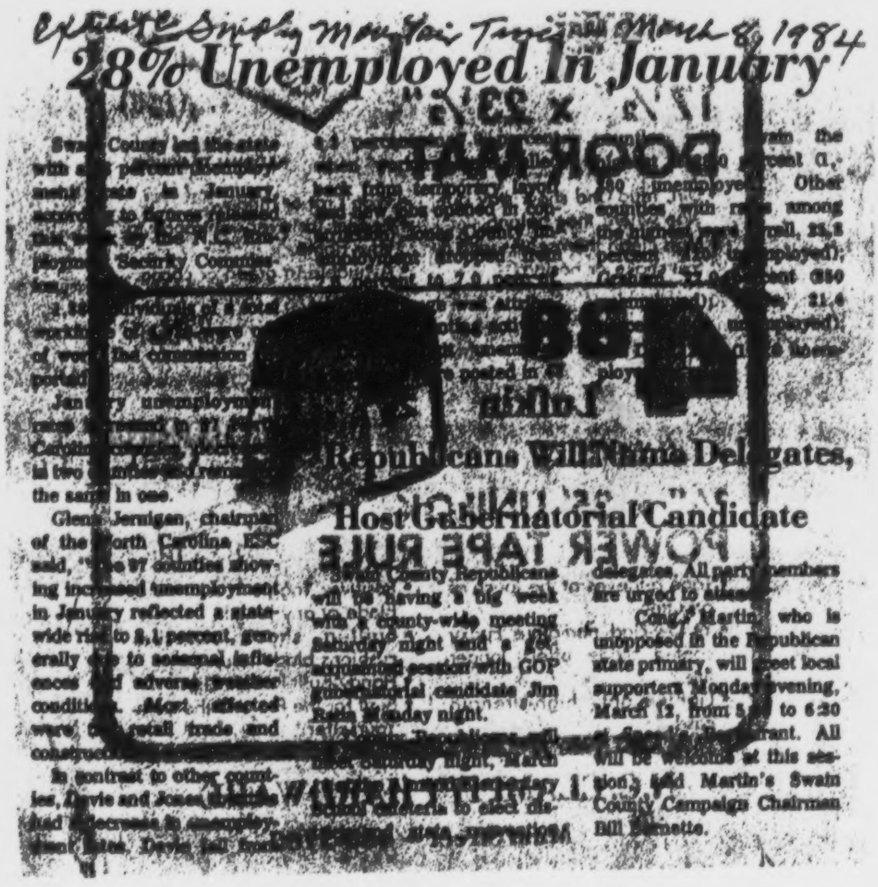


Exhibit C Smoky Mountain Times March 8, 1984

28% Unemployed In January

Swa[illegible] County led the state with a[illegible] percent unemployment rate in January, according to figures released this week by the N.C. Employment Security Commission.

[illegible] individuals of a total work[illegible] of [illegible] were out of work, the commission reported.

January unemployment rates increased in 87 [illegible] Carolina counties, [illegible] in two [illegible] and remained the same in one.

Glenn Jernigan, chairman of the North Carolina ESC said, "The 87 counties showing increased unemployment in January reflected a statewide rise to 8.1 percent, generally due to seasonal influences and adverse weather conditions. Most affected were the retail trade and construction [illegible]

In contrast to other counties, Davie and Jones [illegible] had decreases in unemployment rates. Davie [illegible]

[illegible] back from temporary layoffs [illegible] to 7.0 percent [illegible] posted in 47 [illegible]

[illegible] the [illegible] percent (1,-[illegible]30 unemployed). Other counties with rates among the highest were [illegible]rell, 23.8 percent ([illegible] unemployed); Graham, 22.0 percent (880 [illegible]); [illegible], 21.4 [illegible] unemployed) [illegible] lowest [illegible] ployed [illegible]

Republicans Will Name Delegates, Host Gubernatorial Candidate

Swain County Republicans will be having a big week with a county-wide meeting Saturday night and a get-acquainted session with GOP gubernatorial candidate Jim [illegible] Monday night.

[illegible] Republicans will [illegible] Saturday night, March [illegible] 1 [illegible] to elect delegates. All party members are urged to attend.

Cong. Martin, who is unopposed in the Republican state primary, will meet local supporters Monday evening, March 12, from 5:[illegible] to 6:30 at [illegible] Restaurant. All will be welcome at this session," said Martin's Swain County Campaign Chairman Bill [illegible]nette.
]

Senator **Wallop**. Thank you, Mr. Lyday.
Mr. Jenkins.

STATEMENT OF RALPH JENKINS

Mr. **Jenkins**. Thank you. Mr. Chairman, Senator Helms.

My name is Ralph Jenkins from Graham County. First, let me say that I am opposed to anymore of western North Carolina being put into a wilderness. It is obvious that the park is going to be put into wilderness one way or the other. I do appreciate the efforts of Senator Helms and Senator East in excluding the north shore area of Fontana Lake in their bill.

We, in Graham County, have had our share of Government land with the Forest Service owning over 50 percent and Swain has a large percent owned by the park and the Park Service. What they are not putting into a wilderness area the Forest Service seems to be clear cutting and scarring up. People who are interested in preserving these mountains can come over to Graham County and look at some of the scars that we have. This road going down to the cemeteries wouldn't be anything compared to what we were having done to our land.

Environmental groups would like to have us all move out of both counties. The feeling I get is that the people in this area are getting fed up not only with Government but some of the environmental groups. also. Why in the name of commonsense does the park need to be put into a wilderness? Who is it going to benefit? The able bodies that can get out here and hike the trails? The records show that the camping permits have dropped from 115,000 in 1976 to 68,000 in 1983. Park visits have declined since 1975. I have a chart for the record. If it is made into a wilderness, it will probably even decline more.

The park has always been beneficial to Tennessee. I can understand Senators Baker and Sasser, Gov. Lamar Alexander being for that. If I were in Tennessee I probably would be.

Cades Cove over in Blount County had 318,725 visitors in 1980. Last year alone Blount County—that's on the edge of the park—realized $74,785,000 in tourist spending. In Gatlinburg, who knows what they realized? I wonder how much Swain County realized?

I am 100 percent for Swain County getting a cash settlement. In fact, I think it ought to be more. I think they ought to have the best schools in the State of North Carolina. They have been long overdue, but I think the people that were forced from their homes on the north shore of this Lake should have top priority in consideration of all these bills. These are proud people, and they have a proud heritage, and it involves more than Swain County. It involves people scattered all over the country.

[The prepared statement of Mr. Jenkins follows:]

First let me say that I am opposed to any more of Western North Carolina being put into a Wilderness. It is obvious that the Park is going to be designated as wilderness no matter what. I do appreciate the efforts of Senators Helms and East for excluding the North Shore area of Fontana Lake in their Bill.

We in Graham and Swain Counties have had our share of Government controled lands, with the Government owning over fifty percent of each one. That which is not being put into wilderness is being clear cut by the Forest Service.

The environmental Groups would like to have all of us move out of the two Counties so they could have this whole area. The feeling I get is that we are fed up with the Government and environmental Groups. Why in the name of common sence does the Park need to be put into a wilderness? Who is going to benifit from it? The able bodies who can hike the trails? The records show that camping permits have droped from 115,264 in 1976, to 68,712 in 1983. Park visits have declined since 1975. I have the chart for the record. If it is made into a wilderness it will probably decline more.

The park has always been more benificial to Tennessee than N.C.. Cades Cove had 318,725 visitors in 1980. Blount County aquired $74,785,606 in Tourist spending in 1983. I wonder how much Swain County recieved? I am 100% for Swain County getting the Cash settlement that has been due to them for a long time.

I think that the people who were forced out of the North Shore area should have top priority in the consideration of this or any other Bill. These people are part of a prowd Heritage and it should be preserved. This involves more than Swain Countains. Such people are Scattered all over the Country. They should have the access road to the cemetaries and their old home places.

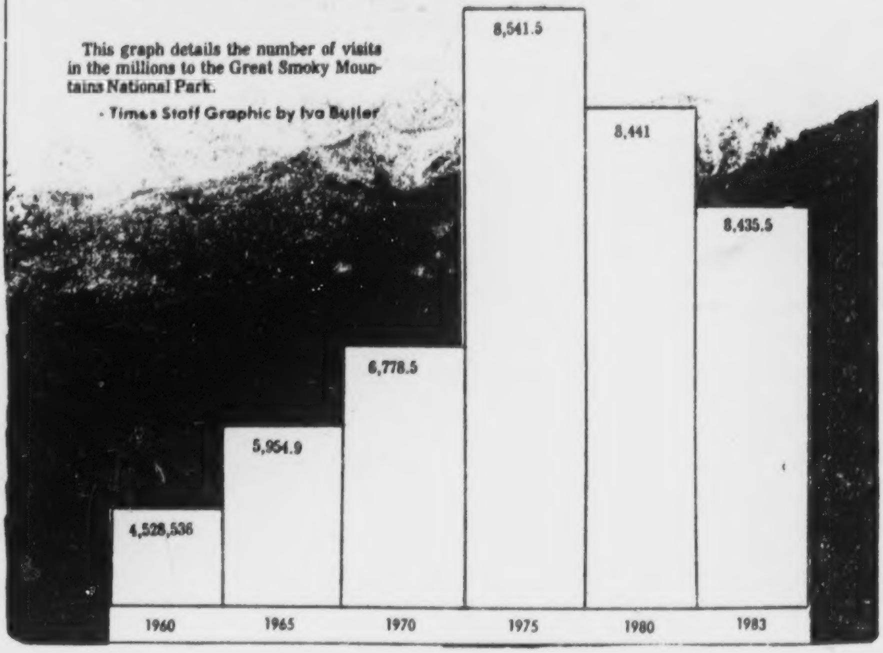
There has been talk of a buffer Zone around the Park. What we need is a Buffer Zone inside the Park. US 129 around the Park is one of the life lines to Graham County and it is very crooked, to straighten it there would be a need to cut some banks off of Park Land.

We mountain people are trying to survive and have a place and a job for us and our children.Between the Government and the environmentalist we seem to be fighting a loosing battle, But I assure you we are not giving up.

Again I appreciate Senators Helms and East who are at least trying to help us mountain people. I endorse the Helms, East Bill over the others

Ralph Jenkins
P.O. Box 41
Tapoco, N.C. 28780

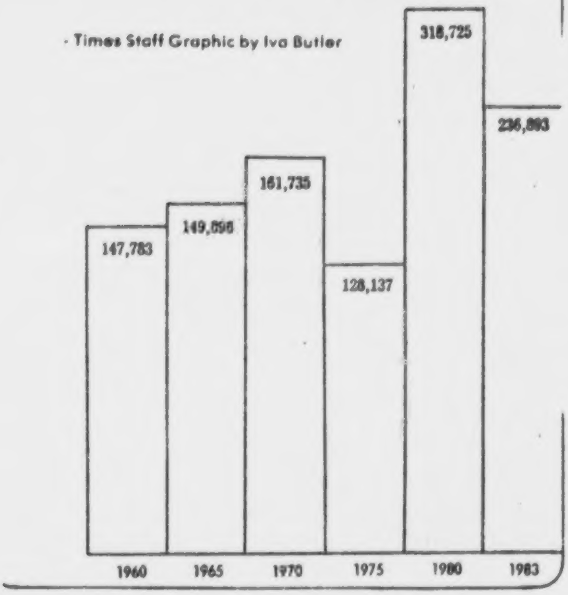
Smokies visits



This graph details the number of visits in the millions to the Great Smoky Mountains National Park.

- Times Staff Graphic by Iva Butler

Visits to Cades Cove



- Times Staff Graphic by Iva Butler

Senator WALLOP. Thank you very much, Mr. Jenkins.
Mr. Odom.

Mr. HALL. Mr. Odom is not here. I am Stanley Hall.

Senator WALLOP. Oh, Mr. Hall, thank you.

STATEMENT OF STANLEY R. HALL, ON BEHALF OF THE NORTH SHORE CEMETARY ASSOCIATION

Mr. HALL. I am Stanley Hall from Marion, NC. I am a member of the North Shore Cemetery Association, and I would like to speak on their behalf today concerning the bill, S. 2183 introduced by Jesse Helms.

The North Shore Cemetery Association was formed approximately 8 years ago by the people who had relatives buried on the north shore of Fontana Lake. We established the North Shore Cemetery Association to allow us to have a collective effort at the visitation and maintenance of the cemeteries located on the north shore.

Prior to the formation of the association all efforts to visit or maintain the cemeteries were conducted on an individual basis. The fact that all efforts were based on an individual basis made it extremely hard or impossible for some families to visit or maintain their cemeteries. The first problem they faced was the lake, itself. You had to have a boat or access to a boat or you couldn't get there. Then you had to have enough nerve to ride that boat. A tremendous amount of people have a terrible fear of water. Many have never visited their cemeteries because they are afraid to cross the lake.

The North Shore Cemetery Association has enabled a lot of us to go and return to our respective cemeteries. For the first 5 years of the association's life the lake was crossed in individual boats or on a pontoon boat rented from the Fontana boat dock, paid for by contributions from the members of the association.

We solved the walking problem of our physically impaired—and I would like to interject here that some of the trips were 14 miles from the lakeshore. We solved the walking problem of our physically impaired the first few years by using a horse and wagon. Sometime later the National Park Service did start to assist by providing four-wheel-drive transportation. This was in 1979.

And in 1980 they assumed the responsibility and the cost of transporting us from the south shore to the north shore of the lake. All of our problems and the very existence of our association could have been eliminated if the U.S. Government had honored the agreement of 1943.

In 1943 both of my grandfathers, Marion Spurgeon Hall and Thomas Cable, signed an agreement with the U.S. Government to leave thier next of kin buried in the cemeteries on the north shore of what would become Fontana Lake. They both understood that the U.S. Government would build a road from Bryson City, NC, to Fontana, NC, which would allow access to their respective cemeteries for visits and maintenance. A road was started from both ends of the proposed site but construction stopped and never resumed. Both of my grandparents died expecting the Government to finish the road.

In conclusion, as a member of the North Shore Cemetery Association, a concerned citizen of North Carolina, and a person with a personal interest and investment in the issue, I am in support of the bill introduced by Jesse Helms. If you look at all three bills being proposed, only the bill proposed by Helms is a satisfactory settlement for all factions concerned. All three bills provide a settlement of 9.5 million and forgiveness of a lone obtained to build a new school. This would be a settlement that would be acceptable to the current residents of Swain County. Only two of the bills provide money settlements, plus they call for large amounts of acreage to be designated wilderness areas. Both of these bills would satisfy the current residents of Swain County and the various environmental groups concerned with the issue.

Senator WALLOP. If I can interrupt you, your entire statement will be made part of the record as if it were delivered in its entirety.

Mr. HALL. I appreciate the opportunity to speak.

[The prepared statement of Mr. Hall follows:]

The Senate Committee on Energy and Natural Resources:
Chairman Malcolm Wallop:

I am Stanley R. Hall from Marion, North Carolina.I am a member of The North Shore Cemetary Association and I would like to speak on their behalf today concerning the bill Jesse Helmes has proposed to settle the 1943 controversy between Swain County and the U.S. government.

The North Shore Cemetary Association was formed approximately eight years ago by the people who had relativies burried on the north shore of Fontana Lake. We established the North Shore Cemetary Association to allow us to have a collective effort at the visitation and maintenance of the cemetaries located on the north shore of Fontana Lake. Prior to the formation of the Association all efforts to visit or maintain the cemetaries were conducted on an individual or family basis. The fact that all efforts were based on an individual basis made it extremely hard or impossible for all of the people to visit or maintain their relativies graves. The first problem the people faced was the lake. A person had to have a boat or have access to a boat just to get to the north shore of the lake. After arriving on the north shore of the lake the people had to be in good physical shape to walk into their respective cemetaries. The North Shore Cementary Association has through collective efforts enabled a lot of people to return to their respective cemetaries who would never have been able to make the trips. For the first five years of the Association's life the lake was crossed in individual boats or on a pontoon boat from the Fontana Boat Dock.(Paid for by contributions from the members of the Association.) We solved the walking problem of our physically impaired the first trips by using a horse and wagon. Sometime later the National Park Service started to assist us by providing four wheel drive transportation where possible. All of our problems or the very existance of our association could have been eliminated if the U.S. government had honored the Agreement of 1943!

In 1943 both of my grandfathers,Marion Spurgeon Hall and Thomas Cable, signed an agreement with the U.S. government to leave their next of kin burried in the cemetaries on the north shore of what would become Fontana Lake. They both understood that the U.S. government would build a road from Bryson City, North Carolina to Fontana, North Carolina, which would allow access to their respective cemetaries for visits and maintenance. A road was started from both ends of the proposed site but but construction was stoped and was never resumed. Both of my grandfathers died expecting the U.S. government to finish the road.

My parents, William Johnson Hall and Myrtle Cable Hall were aware of the Agreement which had been signed by their fathers and they too continued to expect the U.S. gov-to complete the road. My father passed away thirteen years ago and still there was not a road to allow access to the cemetaries. My mother and I continue to expect the U.S. government to finish their part of the Agreement while we still continue to cross the lake and care for the graves of our relativies.

My relativies burried on the north shore include the following:

Great Grandmother	Nan Johnson Laney	Burried at Bone Valley	
Great Grandfather	Pete Laney	Burried at Bone Valley	
Great Grandmother	Lisa Medlin Hall	Burried at Bone Valley	
Great Grandfather	Elfonzo Hall	Burried at Bone Valley	Civil War Veteran
Great Grandmother	Solona Calhoun Cable	Burried Cable Cemetary	
Great Grandfather	John Marion Cable	Burried at Cable Cemetary	
Great Uncle	Mark Laney	Burried at Bone Valley	Civil War Veteran
Great Uncle	Jess Hall	Burried at Bone Valley	Civil War Veteran
Uncle	Ernest Hall	Burried at Bone Valley	
Aunt	Ivory Hall Smith	Burried at Bone Valley	
Uncle	Clyde Cable	Burried at Fairview Cemetary	
Uncle	Clarence Cable	Burried at Fairview Cemetary	

As a member of the North Shore Cemetary Association, a concerned citizen of North Carolina,and a person with a personal interest and investment in the issue I am in support of the bill introduced by Jesse Helms. If you look at all three bill being proposed, only the bill proposed by Helms is a satisfactory settlement for all fractions concerned. All three bills provide a settlement of $9.5 Million and the forgiveness of a loan obtained to build a new school. This would be a settlement for the current residents of Swain County only! Two of the bills provide the money settlements plus they call for large amounts of acreage to be designated as wilderness areas. Both of these bills would satisfy the current residents of Swain County and the various enviromental groups. The only bill being proposed which makes any provision for the settlement of the 1943 Agreement concerning the road on the north shore is the Helms bill. His bill will provide the same money settlement, provide 400,000 acres for wilderness area, and $950,000 for the construction of a forrest service type road along the north shore of Fontana Lake. I consider the Helms proposal the only bill being introduced which would solve all of the problems involved; the current residents of Swain County, the different enviromental groups, and the people to whom an access road along the north shore of Fontana Lake was promised some 41 years ago.

Respectively,

Stanley R. Hall

Stanley R. Hall

Chairman **Wallop**. We thank you very much.
Mr. Truitt.

STATEMENT OF HENRY TRUITT

Mr. **Truitt**. Mr. Chairman, distinguished gentlemen, I am Henry Truitt living in Bryson City. I have lived here all my life.

As one of the county officials when the 1943 contract was entered into, a clerk of the superior court of 16 years and following that U.S. commissioner for 12 years, in the controversy involving all of the land that the Government took down from all those people, a lot of it without their permission—some after it had to be condemned. After the contract was entered into guaranteeing a road all the way down the north shore of the lake, especially for the people who had loved ones left there in the cemeteries, I personally went to several homes and urged them to go ahead and take the settlement, that the Government would not tell a lie and fail to build a road. It has been 40 years. The road has not been built.

I think this: I think that the least the Federal Government can do today certainly is to extend the road that's set out in Senator Helms' bill there to Proctor, which is only a short distance from Fontana Dam crossing Eagles Creek coming into Proctor. Yet the National Park Service a few months ago had to acquire another tract of land and take it off our books here in Swain County, a tract of land that could have been developed and would have put some tax base on this county, but they got it for a little of nothing.

City Service Corp. was asking $10 million for this tract of land. They finally compromised with the Government, as I understand, and they sold it for a little over $1 million. That is not right.

The State of North Carolina and Swain County have fulfilled their part of this contract completely, the State of North Carolina acquiring some 200-foot-wide highway from the city limits of Bryson City here to the park boundary in constructing the road. We have had numbers and numbers of master plans being submitted for the national park. They backed out of nearly every one of them. One was a transmountain road, and I sat in my office with our county attorney and the chairman of the board of commissioners, and we argued with him for a long time to get him to accept what was known as the transmountain road that was proposed by the Secretary of the Interior as a settlement of this. We got that approved by the county. We sent it to Raleigh, got it approved by the State, sent it to Washington and they backed out on that.

I don't put any faith in what they are doing now. I am afraid and I am deathly afraid that if we enter into a contract in the bill introduced by Baker/Sasser that it's going to be another Tennessee bill. The State of Tennessee has had nearly all the funds that's been appropriated for this park. It has been developed tremendously over there. We have got no development in North Carolina. There is a good portion of the national park in Tennessee that's left out of this wilderness bill. In North Carolina they want to put ever bit of it in the wilderness bill. Why? For the benefit of the people in Tennessee and the Sierra Club, and so forth, the Wilderness Society.

The road should be built from Fontana Dam coming into Hazel Creek, in there to Proctor, as set out in the bill there by Senator Helms. Also, the 44,000 acres on the north side of the lake should be left out of the wilderness, completely left out of the wilderness.

Senator WALLOP. Thank you very much, Mr. Truitt. I appreciate your testimony.

Mr. Davis, Mr. Mattox, Mr. Bacon, and Mr. Rolen, and on deck will be Rev. Beauford Woodard, Ms. Pam Whited, Edward Wahler, Mr. Douglas Cochran.

Mr. Davis.

STATEMENT OF WILLIAM G. DAVIES, MEMBER, TOWN BOARD OF BRYSON CITY, NC

Mr. DAVIS. My name is William G. Davis. I am presently on the board, town board of Bryson City, former commissioner from 1974 to 1978. I served on the panel appointed by Cecil Andrus, chaired by Mr. Dave Felmet, in an effort to work out some reasonable solution on this problem. We came up at that time with what was known as the 10-point plan, much of which is incorporated in these bills that are being offered now.

I am highly in favor of the bill that Senator Helms introduced limiting the wilderness on this side of the park, particularly on the 44,000 acres down there, which does not qualify under the 1964 Wilderness Act, which says, "Any area in the wilderness shall not be substantially disturbed by man."

Now, that whole area has been farmed, logged, sawmilled. It is not wilderness land, even though now it has been taken in by the park and is being treated under their plan as wilderness. I cannot understand why they want to put 467,000 acres in wilderness and leave only 83 out, and most of that on the Tennessee side. That would be extremely detrimental to the economy of Swain County, also of Haywood County, limiting access and preventing people from going in on this side.

They have not defined exactly what wilderness is under this park proposal, but if I understand the thing correctly, all of the trails and roads will be obliterated and not maintained and allowed to grow up, and people will not have access into this park on the North Carolina side.

Now, they have made an attempt up here a week or so ago to stop horse riding on Deep Creek. They put up signs, and somebody protested, so they took those down, but it's in their plan to eliminate a horse concession up there, along with a lot of other things right here inside of Bryson City.

I am highly in favor of not putting any more of this land in wilderness. It's already managed as wilderness and why they want to change the name, I do not quite understand, unless it's to make it more expensive and easier to destroy all these trails and not let camping privileges and so forth take place in this park.

They have instigated maintenance here, which seems silly to me, having maintenance crews carry cross-cut saws and double-bladed axes and running the price of maintaining these trails and roads plumb out of sight and bringing them to the point where they say they are going to put them on contract, which would eliminate a lot of othere employment here, and we are already one of the highest in the State.

The road to Fountain Dam, to Hazel Creek, was partially built during World War II by Army Engineers as a training project, camped out in North Carolina, and it would not cost but very little to finish that.

Thank you.

Senator WALLOP. Thank you, Mr. Davis.

Mr. Mattox.

Dr. BACON. He is not here.

Senator WALLOP. Are you Dr. Bacon?

Dr. BACON. Yes, sir.

Senator WALLOP. Please proceed.

STATEMENT OF DR. HAROLD L. BACON, CITY COUNCILMAN, BRYSON CITY, NC

Dr. BACON. My name is Harold L. Bacon, a resident of Swain County for 48 years, serving as a medical doctor and at present a member of the Board of Aldermen of Bryson City.

My position as a citizen and as a council member has been stated in a resolution by the town board of aldermen and, like that of the county, supports the Baker/Sasser bill. The Helms bill calls for 400,000 acres and the Baker/Sasser bill calls for 467,000 acres of wilderness. There is no question that the Senators want wilderness. It is a question of how much.

We know that compromise between the four bills pending in the two Houses of Congress will have to be made. We are stating our position based on what we believe to be realistic possibilities that have a chance of getting through both Houses of Congress. There are compromises that can be made that satisfy all parties concerned that can pass both Houses of Congress. I feel that local people will be satisfied and happy.

However, as we have no such realistic assurance to that effect, I ask that this Senate subcommittee recommend favorably the passage of a bill that gives priority to the following requests: One, $9.5 million cash settlement; language both authorizing and appropriating this sum upon ratification of the bill; to insure that Swain County is paid the payment of $9.5 million is a prerequisite to any lands in the Great Smoky Mountains National Park coming under the protection of the Wilderness Act of 1964;

Two, forgiveness of the FHA school bond indebtedness;

Three, as a minimum, reasonable access to cemeteries located within the 44,000-acre tract with permissible motor vehicle access where appropriate;

Four, management practices of the Great Smoky Mountains National Park shall not interfere with present and future use of Fontana Lake;

Five, prohibit the closing of Highway 441 from Cherokee to Gatlinburg and provide unrestricted private vehicle use;

Six, the concept or implementation of any buffer zones extending beyond the boundaries of the Great Smoky Mountains National Park be prohibitied. Any interference with adjacent private property rights is unacceptable;

And, seven, such other relief as the subcommittee deems suitable and appropriate that has a reasonable chance of passing both Houses of Congress.

Thank you for coming to Swain County and allowing us to express our feelings. We hope that your visit here will result in passage of a bill granting our requests.

[The prepared statement of Dr. Bacon follows:]

PAGE 1, REMARKS - DR. HAROLD L. BACON, CITY COUNCILMAN, BRYSON CITY, N.C.

HEARING BY THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON S. 1947 AND S. 2183, BILLS WHICH DESIGNATE CERTAIN LANDS AS WILDERNESS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK IN NORTH CAROLINA AND TENNESSEE - MARCH 16, 1984, BRYSON CITY, NORTH CAROLINA

MY NAME IS HAROLD L. BACON, A RESIDENT OF SWAIN COUNTY FOR 48 YEARS SERVING AS A MEDICAL DOCTOR AND AT PRESENT AS A MEMBER OF THE BOARD OF ALDERMEN OF BRYSON CITY.

MY POSITION AS A CITIZEN AND AS A COUNCIL MEMBER HAS BEEN STATED IN A RESOLUTION BY THE TOWN BOARD OF ALDERMEN AND, LIKE THAT OF THE COUNTY, SUPPORTS THE BAKER-SASSER BILL. THE HELMS BILL CALLS FOR 400,000 ACRES AND THE BAKER-SASSER BILL CALLS FOR 467,000 ACRES OF WILDERNESS. THERE IS NO QUESTION THAT SENATORS WANT WILDERNESS. IT IS A QUESTION OF HOW MUCH.

MANY PEOPLE FEEL THAT A COMPROMISE BETWEEN THE FOUR BILLS PENDING IN THE TWO HOUSES OF CONGRESS WILL HAVE TO BE MADE. WE ARE STATING OUR POSITIONS BASED ON WHAT WE BELIEVE TO BE REALISTIC POSSIBILITIES THAT HAVE A CHANCE OF GETTING THROUGH BOTH HOUSES OF CONGRESS.. IF, THERE ARE COMPROMISES THAT CAN BE MADE THAT SATISFIES ALL PARTIES CONCERNED THAT CAN PASS BOTH HOUSES OF CONGRESS, I FEEL THAT LOCAL PEOPLE WILL BE SATISFIED AND HAPPY, HOWEVER, AS WE HAVE NO SUCH REALISTIC ASSURANCES TO THAT EFFECT, I ASK THAT THIS SENATE SUBCOMMITTEE RECOMMEND FAVORABLY THE PASSAGE OF A BILL THAT GIVES PRIORITY TO THE FOLLOWING REQUESTS:

1. 9.5 MILLION DOLLAR CASH SETTLEMENT. LANGUAGE BOTH AUTHORIZING AND APPROPRIATING THIS SUM UPON RATIFICATION OF BILL. TO INSURE THAT SWAIN COUNTY IS PAID, PAYMENT OF 9.5 MILLION IS A PREREQUISITE TO ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK COMING UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.
2. FORGIVENESS OF F.H.A. SCHOOL BOND INDEBTEDNESS.
3. AS A MINIMUM, REASONABLE ACCESS TO CEMETERIES LOCATED WITHIN THE 44,000 ACRE TRACT WITH PERMISSABLE MOTOR VEHICLE ACCESS WHERE APPROPRIATE.
4. MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL NOT INTERFERE WITH PRESENT AND FUTURE USE OF FONTANA LAKE.
5. PROHIBIT THE CLOSING OF HIGHWAY 441 FROM CHEROKEE TO GATLINBURG AND PROVIDE UNRESTRICTED PRIVATE VEHICLE USE.
6. THE CONCEPT OR IMPLEMENTATION OF ANY "BUFFER" ZONES EXTENDING BEYOND THE BOUNDARIES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK BE PROHIBITED. ANY INTERFERENCE WITH ADJACENT PRIVATE PROPERTY RIGHTS IS UNACCEPTABLE.
7. SUCH OTHER RELIEF AS THE SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE THAT HAS A REASONABLE CHANCE OF PASSING BOTH HOUSES OF CONGRESS.

SENATOR WALLOP, THE GOOD PEOPLE OF SWAIN COUNTY ARE NOT BEGGARS ASKING FOR SOME KIND OF HAND OUT FROM THE FEDERAL GOVERNMENT. THEY ARE ASKING AND HAVE BEEN FOR FORTY YEARS THAT THE FEDERAL GOVERNMENT ~~LIVE UP TO~~ THE EXPECTATIONS OF A COUNTY THAT ACTED IN GOOD FAITH WHEN IT ENTERED INTO A CONTRACT IN 1943 WITH THE FEDERAL GOVERNMENT OF THE UNITED STATES OF AMERICA. IT IS GROSS NEGLIGENCE ON THE PART

OF THE UNITED STATES CONGRESS TO CONTINUE TO TURN ITS BACK UPON A LEGITIMATE CONTRACT THAT, IF HONORED, WOULD SUBSTANTIALLY ALLIEVATE THE SUFFERING IT HAS CAUSED SWAIN COUNTY BY TAKING 82% OF HER TAXABLE LAND BASE FOR USE, MOSTLY RECREATIONAL, BY THE REST OF THE COUNTRY. IT IS UNCONSIONABLE FOR THE UNITED STATES OF AMERICA TO LET ANOTHER YEAR PASS WITHOUT RIGHTING THE WRONG DONE TO THE PEOPLE OF SWAIN COUNTY BY FAILING TO MEET ITS JUST DEBTS TO A TINY APPALACHIAN COUNTY WHOSE RESOURCES ARE SEVERELY LIMITED AND WHOSE TAX BASE IS DANGEROUSLY ERODED WITH THE GOVERNMENT'S POLICY OF ABANDONMENT AND NEGLECT OF ITS LEGAL AND MORAL OBLIGATIONS TO SWAIN COUNTY. YOUR ATTENTION TO THE SETTLEMENT OF THIS OBLIGATION WILL GO A LONG WAY IN REESTABLISHING THE FAITH OF PEOPLE IN SWAIN COUNTY THAT THE UNITED STATES GOVERNMENT KEEPS FAITH WITH ITS CITIZENS BY MEETING ITS MORAL AND LEGAL OBLIGATIONS. THANK YOU FOR COMING TO SWAIN COUNTY AND ALLOWING US TO EXPRESS OUR FEELINGS. WE HOPE THAT YOUR VISIT HERE WILL RESULT IN PASSAGE OF A BILL GRANTING OUR REQUESTS.

THANK YOU.

HAROLD L. BACON, M.D., CITY COUNCILMAN
948 RICHMOND STREET
BRYSON CITY, NORTH CAROLINA 28713
TELEPHONE 704-488-2438

Senator **Wallop**. Thank you.

Let me just make an expression or observation to those who are anxious for one bill over the other on the threat that nothing can happen or that the compromise will break down and somebody will come in and make it impossible to pass.

This is an observation that is related to this: Someone has testified this morning that they are going to actively work against any amendment to these bills. The compromise will fall down and so on and so forth, but the process which is sought in the Whitten amendment to both authorize and appropriate at the same time—and I understand the reasons for it, and I approve of it—is going to involve us in a fight that is entirely extraneous to this whole issue, and that is, this committee's jurisdiction, because the Appropriations Committee just does not like to have other people doing their job. I just point that out as an observation, not in any way suggesting that it cannot happen, but it's going to take negotiations to make it happen.

Dr. **Bacon**. We thank you. We have been disappointed so many times we were afraid if the bill went through we might not get the money.

Senator **Wallop**. Well, I can assure you that I have every bit of reason to understand why you fear that, just taking a look at the observation testimony we have taken here this morning.

At any rate, I thank you very much for your testimony.

Senator **Helms**. Mr. Chairman, if I may interrupt just a minute, there is an honest man. He says, "We want to get the money," and of course you do, but the same sort of statements were made before the Senate Committee on Agriculture, Nutrition, and Forestry that if one jot or tittle of this proposed legislation, the Baker/Sasser bill, is touched, "Oh, nothing will pass," I have asked people over and over again, as I did the very fine young man, Mr. McDevitt, "Who told you that?"

Now, the only people who are not saying that there wouldn't be any legislation are the good people of Swain County. You know, they are willing to compromise, but they have been compromised out of their shoes by somebody else, and that's the point I have been trying to make, and that's the point I am trying to make with the bill that the distinguished Senator from North Carolina, Mr. East, is also sponsoring.

I thank you, Mr. Chairman.

Senator **Wallop**. Thank you.

And thank you both very much for your presence here this morning. I appreciate it.

Next, Rev. Beauford Woodard, Pam Whited, Edward Wahler, Douglas Cochran, and on deck will be Mr. James Douthit, Mr. David Felmet, and Mr. Fred Moody.

Reverend Woodard.

STATEMENT OF REV. BEAUFORD WOODARD, PASTOR, CREEK BAPTIST CHURCH, SWAIN COUNTY, NC

Reverend **Woodard**. Thank you, Mr. Chairman, Senator Helms.

My name is Beauford Woodard. I am the pastor of the Deep Creek Baptist Church here in Swain County. I was born March 22, 1918, on a 600-acre tract, the property that is now in dispute in there, so I feel that I can speak with authority, because I was born there, and the first 23 years of my life was spent there.

I not only cleared new grounds, plowed steers, mules and horses and worked and sweated and slaughtered ants [sic]—I know what it's all about. Of all of the speakers on this day none have had the roots, the heritage of being there and laboring and knowing what it's all about. I can assure you today, Mr. Chairman, that I understand, and I know that I have never in this 40 years spoken out on this issue, that I am proud that in 40 years I have been given 3 minutes to say something about it. I'll do my best as a Baptist preacher to say everything I can say in 3 minutes.

In my heritage, in my roots there, I have many memories that I cherish. I also have some memories that break my heart. I remember very well when the TVA were sending surveyors and estimators and pricemakers around and making prices. My mother was a widow. My father passed away in 1935, in February, and she was left with six children. At the time that the TVA came, of course, to take over the property, she had four children left, and in that she had no opportunity, Mr. Chairman. She would never sign the deed because she felt that that 600 acres was the inheritance of her family that she had worked hard to rear.

But it was carried to the court, the court of this county, and there in the court of this county the deed was made to the TVA and $5,000 put in the Bryson City Bank, that she might have $5,000 for 500 acres, 3 houses, 350 fruit-bearing trees.

And in some of the statements that have been made here this morning, the people, what they have lost and what they have suffered, I think I can wholeheartedly tell you what I have lost. If the Government would sell me the 600 acres back for $5,000 today, tomorrow I'd sell it for $150,000, so I figure I am contributing $150,000 to this ordeal, and in all of that, in about a year from the time that the marshal came and told my mother, the children, that she had to vacate, that the property no longer belonged to her, that the Government had a deed for it, and my heart goes back to remember the expression that was on the face of my mother at that time.

But in about a year I received greetings from the President of the United States, saying that "You have been selected to honor your country." I had a hard time dealing with that, because I had just gone through the trauma and the experience of seeing the Nation that called upon me to bear arms and defend its freedom take my own mother's home and to take my inheritance, so I feel that I have some input.

I know that the wilderness organizations and the Sierra Club, they have money, they have influence, but I would like to ask one of them how much they have contributed, how much has been taken out of their pocket, out of their life, as many have spoken.

The government of our county in 1943 acted in our behalf and, of course, at that time they thought they were doing well. The government of our county today is trying to act in our behalf, and they think they are doing well, but I believe with all of my heart that the people that have lost are the people that the land has been taken from.

In conclusion, I would like to say this: The issue today that is at stake here is not the wilderness; it is not how much of it will be in wilderness, whether all that will happen is that a road will be built, and I strongly determine that the Government should uphold its contract and build a road. I am not for wilderness of any kind, but the issue at stake is whether our Government of the United States wants to restore its image as being a Government for the rights of the people of this Nation, whether it be in a little remote corner of this Nation or whether the Congress of the United States wants to take the prestige and their image of representing the people or representing the wilderness organizations or the Sierra Club. That is the issue that is at stake.

I appreciate your attention.

Senator **Wallop**. Thank you, Reverend Woodard.

I would just tell you that I asked Tony here to give you an extra minute, figuring that the politicians didn't have a limit; neither should a Baptist minister. [Laughter.]

And I figured a minute a decade wasn't a fair exchange but it addressed it a little.

Reverend **Woodard**. Thank you. I appreciate it.

Senator **Wallop**. Ms. Whited.

STATEMENT OF PAM WHITED

Ms. **Whited**. I am from Murphy, NC, and Cherokee County. I am the granddaughter of Jimmy Walker Hall and of the late Scott Hall.

My grandfather died last year not getting to see the road that was promised to him and his wife whenever they practically took the land from them. I know how he has talked so many times about the people and the ways that it was whenever he was young and growing up in that land, and I know the way that I feel whenever I am unable to go back over there and experience a fraction of what they experienced then.

I just want to know how people expect the people from 50, 60, 70 years old to walk up, straight up mountains, to visit their mother, father, brother and sister's graves. I know of one lady that walked 6 miles 1 day to put flowers on her husband's grave for the first time in 40 years. She was 70 years old. She died last year, and she still didn't get to see the road built.

They took the land from my grandmother and grandfather that was 64 acres for a fraction of what it was worth. They took it from them, with that money and a promise that there would be a road brought in so they could visit their ancestors and their loved one's graves. The Hall cabin, which was built by Crate Hall that is still standing there today, was built by my great, great grandfather. He walked over in there and built that with his own two hands, and now today the only way that me and my younger sisters and my parents can get over there is by boat across the lake and walking up there.

In school we are forced to participate in learning about the history of our forefathers, the history of such people as George Washington, and I just want to know how people can expect us to want to learn about the people who have no emotional bearing on our lives as the people who we are kin to who were responsible for bringing us in this world.

And one man got up this morning and said that the road would be impossible to travel in bad weather, it would be dangerous to, and if you'd go up there now you'd see that there is no way it can get any more dangerous to travel then what it is right now.

Thank you.

[The prepared statement of Ms. Whited follows:]

507 Terrace Ave
Murphy, N.C. 28906
March 9, 1984

Senator Jessie Helms
P.O. Box 2944
Hickory, N.C. 28603

Dear Senator Helms

I am Pam Whited, I am 14 years old. I am writing about the "Road to Nowhere". I have been informed that some people are trying to put the Hazelcreek - Proctor area into wilderness. Well, I just want you to know I am totally against it! I have gone every year, except the first year, across the lake to the Cemetaries where my people are buried.

I knew of one lady that walked several miles to put flowers on her husbands grave for the 1st time in 40 years. This lady was 70 year old Gert Tipton. She is dead now. She died not getting to see the road she and everyone else was promised!

The Hall Cabin was built by Crate Hall. Crate Hall just happens to be my great, great, Grandfather. The cabin has been preserved this long, let it live for a long time to come.

My Grandfather, Scott Hall, was delighted everytime he got to go across the lake and he really enjoyed talking of old times with people he knew a long time ago. He is just another example of a person not getting to see the road that was Promised to them. He died last year.

I know I am only 14, but I know what I and most everyone else wants, for us to be able to visit our loved ones graves. It is a learning experience and I enjoy it also.

I don't understand how anyone could take this priviledge away from the old as well as the young. How can anyone benefit from the beauty of the land and the Historical sights if it is made into a wilderness.

I just wanted you to know how I feel, and I think or rather hope, I am speaking for everyone, when I say we will fight for what we deserve, for what you owe us.

That road was promised!

Well, thanks for listening and God bless you.

Sincerely yours,
Pamela J. Whited

Senator WALLOP. Thank you very much, Ms. Whited.

Are you Mr. Cochran?

Mr. WAHLER. He is not here.

Senator WALLOP. OK. Mr. Wahler.

STATEMENT OF EDWARD WAHLER

Mr. WAHLER. Thank you. My name is Edward Wahler.

Mr. Chairman, Senator Helms, I am a resident of Swain County. It is the general feeling of the people of Swain County that they are not in favor of having the Great Smoky Mountains National Park in wilderness. There will be too many restrictions put on the people that use the park, such as the use of gas-powered boats on Lake Fontana, not having bridle trails maintained for horses or foot access, camping and campground areas not maintained, fishing regulations severely restricted, higher unemployment from the loss of park jobs and tourism.

A meeting was held in Swain County on March 13. There were approximately 200 to 300 people at the meeting. A show of hands was asked as to how many wanted to keep the 44,000 acres permanently out of the Wilderness Act. Every person raised their hand.

Also there was a show of hands in favor of the Helms' proposal due to the fact it cotnained $1 million for a gravel access road to the cemetery. Again everyone was in favor of this by a show of hands.

No North Carolina citizen at the meeting was in favor of any bill proposed by the people like Baker or Sasser from Tennessee. All the Swain County commissioners and Congressman James McClure Clarke are solidly behind the Tennessee bill. It is evident that our elected officials, who are supposed to represent and speak for the citizens of Swain County, are not going to do so even though the people are 100 percent behind Senator Helms' bill.

We, the people of Swain County, are hoping when this bill comes to the Senate floor that Senators in Washington will know and understand our feelings and wants and will get solidly behind Senator Helms, even though Senator Baker is the most powerful man in the Senate.

It is apparent to the people of Swain County that our Congressman James Clarke and our commissioners are not acting in the best interests of the people. It is our hope that the U.S. Senate will act in our behalf on this matter and do the will of the people and not the special interest groups.

Thank you very much.

[The prepared statement of Mr. Wahler follows:]

March 16, 1984

My name is Edward Waller.
I am a resident of Swain Co. N.C.

It is the general feeling of the people of Swain Co. that they are not in favor of having the Great Smoky Mt Nat'l Park all in wilderness. there will be too many restrictions put on the people that use the park.

Such as; the use of gas powered motor boats on Lake Fontana.

Not having bridal trails maintained for horses or foot access.

Camping and camp areas maintained.

Fishing regulations severly restricted.

Higher unemployment from the loss of Park Jobs and tourism.

A meeting was held in Swain Co on Mar. 13. there were approx. 200-300 people at the meeting. A show of hands was asked as to how many wanted to keep the 44,000 acres permanetly out of the wilderness act. Every person raised their hand, Also there was a show of hands in favor of the Helms proposal (due to the fact it contained $1,000,000) one million dollars for a gravel access road to the cemetery, again every one was in favor of this (by a show of hands.)

No N.C. citizen at the meeting was in favor of any bill proposed by people like (Baker + Sasser) (from Tenn.

All the Swain Co commissioners and congressman Jamie McClure Clark are solidly behind the Tenn. Bill.

It is evident that our elected officials, who are suppose to represent and speak for the citizens of Swain Co are not going to do so even though the people are 100 % behind Senator Helms Bill.

We the people of Swain Co are hoping when this bill comes to the Senate floor, that the

Senators in Wash. will know and understand our feelings and wants, and will get solidly behind Senator Helms, even though Senator Baker is the most powerful man in the Senate.

It is apparent to the people of Swain Co. that our congressman James Clark and our commissioners are not acting in the best interest of the people. It is our hope that the U.S Senate will act in our behalf on this matter and do the will of the people not special interest groups.

Thank you.
Sincerely

Edward Walker
R. 2 Box 456 B
Bryson City, N.C.

Senator **Wallop**. Thank you, Mr. Wahler.

Senaor Helms?

Senator **Helms**. No thank you.

Senator **Wallop**. Thank you all very much. We appreciate your testimony this morning.

Panel No. 9—I might point out that we have completed one-fifth of the panels that have been scheduled here, and I appreciate very much the cooperation and understanding of those who have already testified by obeying our 3-minute rule.

Mr. Douthit, Mr. Felmet, Mr. Moody, and on deck is Mr. David Bailey, Mr. Paul Douthit, Mr. Bernard Jensen, Bill McClure, and Mr. George Montieth.

Mr. James Douthit.

STATEMENT OF JAMES W. DOUTHIT

Mr. **Douthit**. Mr. Chairman, Senator Helms, I am James Douthit, and I am not in favor of any bills presently before this committee. All bills address the Great Smoky Mountains National Park as a wilderness or potential wilderness area and a settlement to Swain County in lieu of the 1943 agreement. I do not want any part of the park designated as wilderness. The long range plans of how the park would be managed would not be in the best interests of the residents of Swain County and of the people who forfeited land on the north shore of Fontana Lake, which later became part of the park.

As for the settlement with the county, I recommend:

Payment to the county of $9.5 million, which is just a small portion of what could be brought to Swain County if the road had been built and tourism had been allowed to come in on that road.

Swain County be relieved of any and all payments relative to a loan from the Farmers Home Administration for the construction of the Swain County High School.

That the Department and Congress uphold the 1943 agreement with the construction of an around-the-park road from Fontana Dam to the eastern boundary of the park. This road would better provide access to the cemeteries which are still inside that boundary.

A map and a legal description of the park which clearly defines their boundaries to be on file in the Swain County Register of Deeds Office.

This would greatly help the people of Swain County to find where the boundary of the park is in relation to the lake and who has jurisdiction. Only under these recommendations could I endorse a settlement.

Thank you, Mr. Chairman.

Senator **Wallop**. Thank you, Mr. Douthit.

Could I just ask a question? Is there a dispute here as to where the boundary of the park is presently?

Mr. **Douthit**. Yes, sir, there is. There's greatly divided dispute on that.

Senator **Wallop**. Is there no legal description of what the boundary is?

Mr. **Douthit**. The legal description, from what I assume, that the park boundary is at the high water mark, which is 17 feet 10 inches. Now, the park says that when that water drops down in the winter that they have jurisdiction on that land, which is below the boundary of 17 feet 10 inches.

Senator **Wallop**. I see. There is a sliding boundary.

Mr. **Douthit**. No, it's not a sliding boundary. They think it is, but I don't see where a boundary can slide, sir. [Laughter.]

Senator **Wallop**. Mr. Felmet.

STATEMENT OF DAVID F. FELMET, CHAIRMAN, NORTH CAROLINA NATIONAL PARK, PARKWAY AND FORESTS DEVELOPMENT COUNCIL

Mr. **Felmet**. Mr. Chairman, Senator Helms is away at this moment. I am Dave Felmet from Waynesville, NC, out of Haywood County which, along with Swain County, provided a great many acres for the Great Smoky Mountains National Park on the North Carolina side.

I am also chairman of the North Carolina National Park, Parkway and Forests Development Council, and I would like to say, Mr. Chairman, that for many years the North Carolina National Park, Parkway and Forests Development Council, has supported Swain County in its effort to resolve the 1943 agreement. Every proposal has failed for these 40 years.

In 1978 Mr. Cecil Andrus, then Secretary of the Interior, made a commitment to resolve the 1943 agreement. It was a commitment that he worked diligently on but failed, as many others have failed. At his direction an ad hoc committee was formed and included from Swain County were two men appointed by the outgoing county commissioners and two men appointed by the incoming county commissioners, resulting in bipartisan representation from Swain County.

In May 1979 the ad hoc committee made a 12-point proposal which was acceptable to the administration of Swain County at least. I think it was pretty widely accepted by Swain County in general.

The National Park Service in attempting to carry out these items over which it had jurisdiction, including item No. 7, to "Provide maintenance, access, and transportation to the cemeteries in the Swain County area of the park." This is a quotation from that item No. 7 of that agreement.

This is now being done at an annual cost of approximately $30,000 for transportation alone. This is my opinion eliminates the necessity of cutting a road across three undisturbed watersheds from Noland Creek to Hazel Creek.

Item No. 12 of the proposal, the cash settlement, has been a stumbling block to the resolution of this agreement for many years. I believe that elimination of the access road from this proposed settlement will avoid another 40 years of failure to resolve this longstanding controversy, and it occurs to me that Edmond Burke said on March 22, 1775, on conciliation with America: "All government, indeed every human benefit and enjoyment, every virtue and every prudent act is founded on compromise and barter." We hope this compromise will be reached in the Congress of the United States and particularly for the benefit of Swain County.

Thank you.

[Resolution of North Carolina Department of Commerce follows:]

North Carolina
Department of Commerce

James B. Hunt Jr., Governor

D.M. Lauch Faircloth, Secretary

[illegible]

RESOLUTION

WHEREAS, on October 7, 1983, Senate Bill number 1947 was introduced in the Senate of the United States Congress by Senator Jim Sasser of Tennessee, for himself and Senator Howard Baker, for the purposes of designating certain lands in the Great Smoky Mountains National Park as wilderness; and providing for settlement of all claims of Swain County, North Carolina against the United States under the agreement dated July 30, 1943, and for other purposes; and

WHEREAS, the position of the North Carolina National Park, Parkway and Forests Development Council in the past has been to support no wilderness legislation for Great Smoky Mountains National Park until the long-standing contract of 1943 between the federal government and Swain County, North Carolina was satisfied;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, in regular meeting assembled on October 18, 1983 recognized that S. 1947 offers a solution to the 1943 agreement; therefore did unanimously endorse S. 1947 and does urge North Carolina Senators Jesse A. Helms, Jr. and John P. East to join with the two Senators from Tennessee in support of its passage and enaction.

****

I, Corinne A. Withers, administrative secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted on October 18, 1983 and permanently recorded in the minutes of that meeting.

October 19, 1983

Corinne A. Withers,
Administrative Secretary

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
D.M. Faircloth, Secretary

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council in regular meeting assembled on October 18, 1983 unanimously passed a resolution endorsing Senate Bill number 1947, introduced in the United States Congress by Senators Sasser and Baker of Tennessee; and

WHEREAS, on the 12th day of December, 1983 the Swain County, North Carolina Board of County Commissioners passed by unanimous vote a resolution endorsing and supporting passage of the bipartisan legislation currently pending before Congress, to-wit: Senate Bill 1947 and House Bill 4262; and

WHEREAS, on the 13th day of December, 1983 the Bryson City, North Carolina Town Board of Aldermen also unanimously passed a resolution for the same purpose;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, taking into consideration this strong support by both the Swain County Board of County Commissioners and the Bryson City Board of Aldermen, does wish to reiterate and emphasize our support of S 1947 and further, does commend the efforts by Swain County, North Carolina to resolve the long-standing 1943 agreement.

****

I, Corinne A. Withers, Administrative Secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted at the January 9, 1984 meeting and permanently recorded in its minutes.

Corinne A. Withers
Corinne A. Withers,
Administrative Secretary

Senator **Wallop**. Thank you, Mr. Felmet.

Let me ask one quick question: What is your understanding of item No. 7, when it says provide maintenance? Are they to maintain the cemeteries?

Mr. **Felmet**. Yes, sir. And that was in the original agreement, as I understand it, when the park land was bought, Mr. Chairman.

Senator **Wallop**. When they say provide access, does that mean for handicapped people, as well?

Mr. **Felmet**. Well, I should hope so.

Senator **Wallop**. How would they do that?

Mr. **Felmet**. Well, I believe that they have been able to do that with the vans and the existing transportation system that's been in effect since 1979.

Senator **Wallop**. Does it worry you at all, and it does me, because of the Wilderness Act that they would not be able to provide vans, once it was designated as wilderness?

Mr. **Felmet**. I sincerely hope that in the discretion of any park superintendent we would have that he would not abrogate an agreement that was made when the land was purchased.

Senator **Wallop**. Then clearly that ought to be part of the legislation, that it would provide some sort of a waiver from the provisions of the Wilderness Act to permit vehicular access, because it isn't there. I mean, it is specifically denied.

Mr. **Felmet**. I agree with you, sir, and I think strongly that these should be access allowed for the handicapped, for anybody who wishes to go to those cemeteries, and I felt that this was a great improvement over what had existed for the years when there had been no access provided by the Park Service.

Senator **Wallop**. I appreciate learning that, because it does cause me concern, because of the inherent conflict with the Wilderness Act.

Mr. **Felmet**. It does me, too, because friends of mine, like Mr. McLean and Mr. Davis, were on this committee. When we discussed it, there were many, many pages that we spent over 2 years working on that 12-point program, and that was of great concern to us at that time.

Senator **Wallop**. But that program contemplated it as national park, not wilderness, did it not?

Mr. **Felmet**. Yes; that is true. The only reason I have agreed to go along with either of the Senators' proposal for wilderness or the Baker/Sasser one is because of the compromise with Swain County. I think that the park should be left—It is a wilderness in concept. All national parks are, and I don't think it needs to fall under the Wilderness Act at all.

Senator **Wallop**. That's a song that I have sung.

Mr. **Felmet**. That's a personal observation.

Senator **Wallop**. Neither I nor you are king, and I guess we have to do what a democratic society tells us to do, but I appreciate that, because that is a matter of concern with the wilderness proposal.

Mr. **Felmet**. It is a concern of mine, as well, sir.

Senator **Wallop**. Thank you.

Mr. Moody.

STATEMENT OF FRED H. MOODY, JR.

Mr. MOODY. Yes, sir, Mr. Chairman. Thank you.

My name is Fred Moody, and I practice law here in Bryson City. I have lived in Swain County since 1972. None of my family was removed from their lands upon the creation of the park. I have no relatives buried in the park, and I was not in the county in 1943. I do not, therefore, consider myself able to comment upon what is right and what is wrong about a settlement of the so-called 1943 road controversy.

I would not be here at all today except for the fact that I intend to live in this county for the rest of my life and that I have two children who live here and attend school here. Because of this, any legislation settling the claims of the county arising from this 1943 agreement, such as the bill presently under consideration by your subcommittee, affects me directly and I feel qualified to express my opinion.

Each of the bills presently pending, including Senate bill 2183, proposes payment to Swain County of $9.5 million and the forgiving of the existing Farmers Home loan of approximately $2 million. I strongly endorse these proposals. The payment and the cancellation of the school indebtedness will benefit the county and its people now and in the future. New schools will be constructed and the education of our children greatly improved. Emergency services and all other county functions will be strengthened.

These improvements, together with other steps that will be possible, will make Swain County a better place to live and work and will enable our citizens to enjoy, now and in the future, an improved quality of life.

Such improvement will not be possible without some sort of monetary settlement of the 1943 agreement. The formation of the park, the establishment of the Cherokee Indian Reservation and the impoundment of Fontana Dam devastated Swain County. Its tax base is much too small to allow it to afford those services necessary to a growing and progressive community. With the proposed monetary settlement, however, the potential of the county's citizens can be reached and the county can become what its people want it to be.

As for the other provisions of the pending legislation and the other proposed bills relating to wilderness, cemetery roads and the like, I can only request that some middle ground be found that will address the competing interests expressed here today and do justice to those concerned and result in a bill that can become law. My opinion is that a bill which includes motorized traffic inside the park boundaries will not pass Congress.

On the other hand, a bill that turns the North Carolina side of the park into a green wasteland only to be looked at from afar by all but the most fit will not garner sufficient support to be made law. Swain County needs legislation that will pass and allow us to put the past behind us and look to the future. We do not need and cannot afford a remedy for past wrongs that will languish in the U.S. Congress for another 40 years.

I believe that there is room for compromise and that this subcommittee can find it, and for the sake of the community and its children I urge you to report out a bill that provides for the monetary relief provided in this pending legislation and fairly addresses those other concerns expressed here today.

Senator WALLOP. Thank you, Mr. Moody.

And let me just observe: If we were talking about an ordinary piece of national forest where this area of controversy is, then those who say that there is real threat and danger to it might have a stronger argument as to be so adament on it, but when it is already a national park, the provisions and powers of which are legend and in many ways are more restrictive than wilderness designation, we are not sitting here with an imminent threat of destruction, because the National Park Service owns it. If we were, it wouldn't be already worth arguing about.

So I hope that some who have expressed rigidity perhaps on both sides might be more willing to look at it from the standpoint that you just addressed, and I think this was good testimony.

Mr. MOODY. Thank you.

Senator WALLOP.

Mr. Davis Bailey, Mr. Paul Douthit, Mr. Bernard Jensen, Mr. Bill McClure and Mr. George Montieth, and the panel on deck, Mr. James Tanner, Guy Posey, Henry Posey and Mildred Johnson.

All right, Mr. Bailey.

Mr. JENSEN. No; I am Mr. Jensen. He is not here.

Senator WALLOP. All right. Go ahead, Mr. Jensen.

STATEMENT OF BERNARD JENSEN

Mr. JENSEN. Mr. Chairman, I am proud to witness just a few moments to address this issue that is presented here today and I am proud to be a citizen of Swain County for many years.

I came from Tennessee and made North Carolina my home, and I am a little bit dismayed that Mr. Sasser and Mr. Baker might have dominance over what we here in North Carolina and Swain County may feel. But I do want to express appreciation for what has been done for these bills in preparing them, and certainly a compromise—I don't think that we have to prove any farther that it is unacceptable the way the Government has treated the people here in Swain County.

My daddy is buried near Chattanooga in Tennessee, and if anything came up to affect that little cemetery, I'll guarantee you that I would be there to do something about it, do what I could, but I do want to say a word of appreciation for all legislators and local leaders who have prepared and made an effort to get this thing settled and it looks like it's almost settled.

I do want to address one or two things, and that is, it is not what the law reads but it's the interpretation of the law. And we have a new park ranger and he interprets it differently. He makes statements he is going to clamp down, and "We are not going to have such and such that's been going on."

Well, we do need regulations. We need regulations so we can all use it and so the environmentalists can come in and use it—like to have them come, too, but for them to threaten restrictions against the people who live here, who have ties here and blood ties—family ties are the strongest on Earth and should be.

How in the world can they threaten to throw this thing out? It's beyond me. And the environmentalists' concern about, you know, well, about the flowers and things, and we just recently made a 19-mile hike from Newfound down to Bryson City and enjoyed—I just love the park, and I'm not a hunter, so I am not anxious to go out and get a bear, this, that, and the other. There is a little problem up in there. I think the park ought to be regulated.

But when the environmentalists are so concerned about the flowers and everything—I haven't heard a word today about the wild boar tearing the park to pieces or the flowers and wild plants—just destroyed brand new strips of areas where they have just wiped it out, the best grounds.

Another thing I would like to address that's never been mentioned, and that is, if they are concerned about motorboats—I see some mention in the bills about motorboats and other things, the noise in the park. The jet planes that come into Bryson City at treetop level, four or five large boxcar transports at tree level, and roar, and sometimes it's all afternoon when you are in the garden, and then they climb and a sonic boom—I wonder what the environmentalists think about that, these people from Tennessee.

Senator Wallop. Don't ask.

Mr. Jensen. Don't ask? Thank you very much.

Senator Wallop. Thanks, Mr. Jensen.

Mr. Jensen. So I support Helms' bill, in addition to these other bills, and I think that all the politicians better get their heads together, and leaders and everybody, and stop the political thing about it and get the thing passed.

Senator Wallop. I had heard that, expressions of concern about the boars, and while it's another issue here in this hearing, we are concerned about the quality of that park.

Mr. Jensen. The people that want to hunt a little and want a little wild meat on their table ought to be allowed to have it. I am not one of them but I think they ought to have the privilege of doing it.

Another thing I want to say is that the north shore road at lake level would be very inexpensive to build, very inexpensive to build. It would cost a lot less than the barge transportation they have going across the lake.

Senator Wallop. Are you Mr. Bailey?

Mr. Montieth. I am Mr. Montieth.

Senator Wallop. All right, Mr. Montieth, have at it.

STATEMENT OF GEORGE MONTIETH

Mr. Montieth. Well, I have got folks buried from Noland plumb on to Fontana or down to Hazel Creek, and I would like a road to be put down there for us, because they promised us a road, and my grandma is down there and my mother's sister and oodles of my kinfolks is pert near in every graveyard, and I think that we ought to have a road down there. Some way or another they have been treating us mighty dirty, I'll tell you, if you should say such as that. [Laughter.]

And I think they ought to do something about it.

Senator WALLOP. Sir, you are entitled to say what you like. Mr. Montieth, I appreciate it.

All right. I thank you all very much. Appreciate it.

Panel No. 11 is Guy Posey, Henry Posey, Mildred Johnson, and on deck is David Crisp, Luther Myers, Bill Burnette, David Vance.

Mr. Posey, Mr. Guy Posey.

STATEMENT OF GUY POSEY

Mr. GUY POSEY. In behalf of the cemetery road promised to us by the U.S. Government in the early 1940's, I would like to speak, if it isn't out of order, concerning the road and distances in Tennessee. The road extends from the Gold Mine Branch through the cemetery to follow the old road some 6 or 7 miles and there's less than 30 miles of road to build down the river. I was born and raised down there. The road was promised to us. Captain Posey, my grandfather, and my grandmother are among the buried there, and we was promised if we left them that they would build a road back to them within 20 years, I believe it was, some distant time, which hasn't been kept up.

Senator WALLOP. You're saying the cemetery has not been kept up?

Mr. POSEY. No, my grandfather's has not. It is a private cemetery. The deed excluded 1 acre of land where it's at, at the time for it to be left, a road built not by it but to where we could build a side road to it in the future, and it's the wilderness which we have various forefathers in there.

I was a preferred man from World War II for outside duty as a forester. I was the first deputy warden ever been in Swain County. My father was a warden. It was my duty, and I found there that one of the greatest needs in time of war of the Government is wood and paper and material made from wood. In all of the wilderness we have heard talk here, what does the Government—there's people talking from wilderness. Without the wilderness, if the wood can be manufactured—and I am a lumberman myself, sawmill man. We can always fulfill our needs but when it is confined and it can't be manufactured or bought or got, where would we be?

And there is another thing: In my experience, wilderness today is one of the most interfering things that the Government has and the people have, because one of our great problems is inflation. What makes inflation? Shortage. Wilderness has caused the price of building material to go up over double the price in 5 years' time. We have a problem in town of unemployment. Wilderness has caused several million people unemployment because timber is being closed down on. We can't get the timber to operate the jobs. We have had to close down many times. It is a time when wilderness, to my thought, is one of the worst things to be happening to the people of America.

As to the road, we don't like to hear talk of Tennessee not approving of the road. The road doesn't go within 10 miles of the Tennessee line. It doesn't go within 3 or 4 miles of the national forest line. It follows where the cemeteries is, where people live, and not over a mile and a half from the lake contour at any time.

Thank you.

[The prepared statement of Guy Posey follows:]

3-12-84

Sen. Jesse Helms.
Written Testimony Requested
In regard to North S Cemetary
Road Promised to the Citizens
Of Swain Co. & Forney Cr. Township
1941 That If our Dead were
left where Buried that We
the Relatives would have
A Road Built Back Near the
Cemetaries By the End of 20
Twenty years. We have had
to much Talk. The Road is
only about 30 mi. altogather
Some 5 mi or more of the
Old Road can Be used
And said Road does not go
within 10. Mi of Tenn Line
Nor across National Park Boundr
And said Road Can Be
Built Three Million Cheaper
Than Baker is Proposing
To Bryson City 9000000

Guy Posey

Senator **Wallop**. Thank you, Mr. Posey.

Mr. Henry Posey.

STATEMENT OF HENRY POSEY

Mr. **Henry Posey**. Ladies and gentlemen and distinguished guests, at this meeting I would like to bring you a few thoughts on my mind in regard to the misuse of land long gone. We are meeting today to discuss the bills that are before the committee, the Baker/Sasser bill to turn all the property, the 467,000 acres, into wilderness and to exclude the cemetery access road.

I am personally against any wilderness, but I have come to the conclusion that I am going to go along with the Helms' bill for it calls for the 44,000 acres of property that was taken from us to be exempted from the wilderness and to build a cemetery access road.

We have some today that are against building us the road, but I believe if they would go with us just one trip to some of our cemeteries across the lake—when the water is low, one has to wade in the mud and climb over the rocks and up the steep banks—they would change their mind. Lots of our older people are unable to do this.

As all of us know that have ever read the contract that was agreed upon and signed by the TVA, between the Commissioners and people that are on the property, was that they would replace 288, which was partly covered by water, and that was the agreement.

Now, as you know, the National Park Service opposes the road and exclusion of the 44,000 acres as an interstate to the poachers. Also, as you recall, that every statement that the park had in the newspapers was referring to the poaching on the Eagle Creek property and that the Tennessee Copper Co., property was being used, encroaching on the park.

We have lived near the park for most of our lives, ever since it was called a park, and the worst poaching that I can recall of in all this time was done by the park officials having it done by hiring two men from Georgia to bring guns, dogs and guns, and was turned loose in the park to kill and destroy the hogs, and there were many hogs killed and left lying there in the streams and mountainsides to decay and pollute the waters and air, and also it was out of season when it was done. When we lived in there, there were roads all around the park and everywhere, and I never knew of any such poaching as this.

Thank you.

[The prepared statement of Mr. Henry Posey follows:]

3/2/84
Franklin N.C. 28734

Dear Sir,

Im writing you concerning the 1943 Agreement with TVA. over our promised road along the north shore which we never got.

I was borned and raised in that country and as I start to try to write about the way our homes were taken away from us it brings tears to my eyes. we did not Object for the land to be taken that the water covered but the excuse they used for not building a road back then was very weak. I can see, Gov. Higler np. Clubs, etc. wonting this property so we were forced out. you may say in your mind well we were paid. There is a difference in Selling and be forced to sell. my Father owned over 300 Ackers of property and they paid him $4,800.00 for it which he did not wont to accept. But after they aggred to build a road back later he signed. This was home to us and still is and always will be. This was a land even in those hard times that we made a living off of. we cut wood logs + farmed we always had plenty of food on the table. we were considered poor then by standards, but were rich in property but look who owns it now. Tell me where has our country, people + people that make up our goverment drifted. we were taught to honor, obey and believe in our country and when there is a contract signed to an agreement and then not kept what do you call? this

We had one of the most beautiful + profitable countrys that has ever been put on the map. Two copper mines, School, Hight School at proctor. I could go on + on but I believe now people are begining to understand how we the people from down there are feeling about this situation. Surley our Palitians and the people we have vated for will not stand by and let some commissioners, Clark, + some from Tennessee defeat what is due the people that owned that country. I believe in prayers and there has been lots sent up over this, and some where soon we are all going to face our deeds. Thank you. Rt 8, Bx 642 OVER

Tel Ph. 704-524-7070 Henry Posey Franklin N.C 28734

P.S. we wont to thank you A Gentlmon that has seen fit to take a stond for us. We are sure that you belive in prayer. and God Bless you in you Compaign

Mr. & Mrs Henry Posey
Rt 8, BX 642
Franklin N.C. 28734

Tel. Ph. 704-524-7070

Senator WALLOP. Thank you, Mr. Posey.
Miss Johnson.

STATEMENT OF MILDRED C. JOHNSON

Ms. JOHNSON. I am Mildred Cagle Johnson and a native of Proctor in the Smoky Mountains. My family lived there for over a hundred years. These mountains are my home and my heritage. We love the mountains and wouldn't do anything to damage them. Our family agreed to leave the graves of our loved ones at Proctor, as the TVA promised a road would be constructed after the war. Our families had refused to move and leave the graves until they were promised access to the cemeteries.

A road was promised and we are still waiting for it. We very much need the road. The only way we have of getting to our cemeteries is by boat. My first trip back since the 1940's was about 1963. I was very afraid of the water. My mom bought a tombstone for her baby she left behind. She was determined to have a monument for her son's grave before something happened to her.

I met my 73-year-old mother and the men that she had to hire at the Yellow Branch boat dock. They put the tombstone on the boat, a boat my mom had to hire to take her across the lake. And let me tell you, I didn't get on that boat when they put the tombstone on the monument. Someone had to sit on the front of the boat to keep the back end of the boat from dipping in the water, and they had to come back after my mother and I. To move the monument from the boat to the cemetery, they had to use a wheelbarrow and ropes, two men pushing the wheelbarrow and two men pulling the ropes. Believe it or not, we made it, though.

At the time the monument was put in place my mom pulled out her billfold out of her pocketbook on top of Cemetery Hill and paid the man that delivered the tombstone. After that I was over there several times and each time the cemetery had greatly deteriorated.

Now, the park did not at that time keep the cemeteries up unless they knew a decoration was being held there. We have pictures from John Parris when he was supposed to visit the park, but he didn't do it, so in 1 year—oh, it was terrible, the condition it was in. We had discussed starting our decorations and had several times, but it was so hard to get together, but in 1976 and 1977 we made up our minds something had to be done, so we started our first decoration in May 1978. I called the Park Service and they refused to help with transportation. They did clean the cemetery very good that year after they found out the park officials were coming to inspect it. Beginning in June of 1979 the park started helping with Jeeps and in May of 1980 transportation across the lake.

I support Senator Helms' bill. I do not want any more wilderness sought at all. Why should the Sierra Club and environmentalists be the ones to have full control and input to our mountains? Our family were environmentalists before we even knew what an environmentalist was.

In conclusion, it is my fear if we allow the freedom of these mountains to be taken away from us, then the very idea of freedom may die with it.

Thank you.

[The prepared statement of Ms. Johnson follows:]

Mar 6, 1984
Andrews NC.

I'm a Former resident of Swain County Had to move out When the Fontana Dam Was built.

When We moved We Were promised a road back to our Cemeteries & Old Home Places. In One Cemetery I have a great-great Grand-father & Mother. Two great Grandfather & mothers One grand father & Grand mother Several great Aunts & Uncles & Just one Aunt. I have One brother. I went With my mother to take a tombstone back to My Baby Brothers Grave. We had to hire a boat and several People to help us. after getting it A cross the Lake. It took 4 men & a Wheel Barrow some were pushing the Wheel Barrow & others had ropes ~~tie on~~ tied on the front of the wheel barrow & was pulling it up the mountain this was in 1963. The Park was not helping us then I have other relatives in several of the other Cemeteries I watched my Parents & my aunts and uncles As they waited for a road to be built back so the could go to the Cemeteries. They have all died and never got to go back.

~~I Parents~~

All this happend around world War II. The people from Swain Co. that had to move believed in their Country. They tried to help by Waiting untill after the War for a Road. They trusted their Government + All it Stood for. Our Parents taught us to respect Our Country.. But Our Country has let us down in so many ways. It is not right for People to Promise you something and not fulfill that Promise.

If you could see the People that we have Made it Possible to go back to the Cemeteries under the

Conditions We have now And how Happy they are that they went Back One more time in their life time. We have had some 70 - 95. year olds to go. It was rough made at one or two times. We Need a road very much. As we grow older it is hard for us to travel the way we go now. Some older Ones & Young Ones Can not or will not Cross the lake. Some are handicapid.

We love those Mountains. We take Care of those mountains. Our fore fathers Blazed most of those trails that the People walk to day.

We think We as the People should have

the right to Our Cemeteries
+ Old home Places. What
would Wilderness do to us
if We Wanted to go back
anytime. I think That
that 44,000 acres should
Not be put in Wilderness
And that We should have
A road back to Our
Cemeteries; This road
was Promised. And I think
it should be Kept.

Thank you.

I am also requesting to speak
at the March 16, meeting
at Bryson City, NC.

Thank you
Mildred C. Johnson

Senator **Wallop**. Thank you, Mrs. Johnson. I appreciate your testimony here this morning, all of you.

The next panel is David Crisp, Luther Myers, Bill Burnette and David Vance, and on deck will be John Seay, Garner Robinson, Aaron Robinson, and Joe Pachnowski.

Are you Mr. Crisp?

Mr. **Burnette**. No, sir. I am Mr. Burnette.

Senator **Wallop**. Oh, Mr. Burnette, all right. Please go ahead.

STATEMENT OF BILL BURNETTE

Mr. **Burnette**. OK. I am Bill Burnette. I am a resident of Swain County. I represent no special interest groups. I would just like to voice my opinion.

I would like to start out by saying that I am no public speaker but just a common citizen who was born in Swain County by the grace of God, but who lives here by choice. I would like to urge passage of the Helms/East version of the Great Smoky Mountains Wilderness Act.

As all of us know, this act arises out of an effort to solve the 1943 agreement. My main reason for favoring the Helms/East bill is the exclusion of 67,000 acres of land mostly lying along the north shore of the Fontana Lake from this wilderness area. Within this 67,000 acres lies 44,000 acres which TVA turned over to the Department of the Interior. Within this 44,000 acres lie many homesteads, cemeteries, and memories. Many citizens of Swain County were born there and many died there.

Are we to tell the survivors of this area that they cannot visit the graves of the ones they left buried there? The Department of the Interior guaranteed them access to these graves. Does this mean they can only visit them when the Park Service finds it convenient to ferry them across Fontana Lake?

The method that this 44,000 acres became park still rankles me. TVA confiscated this land for the alleged purpose of building Fontana Lake. They drove many rightful owners off by using the law of eminent domain. What rankles me is that they knew that Fontana Lake would not flood this land. Anyone using a simple altimeter would have known that floodgates 1,710 feet above sea level will only backwater to 1,710 feet above sea level, no matter how far that area is from the gates.

Then instead of returning these lands to their rightful owners, they turned it over to the Department of the Interior for inclusion into the park.

Now are we to tell these people, many of them in advanced years, that the only way that they can visit these cemeteries is on foot? I can't buy this. Many proponents of the Baker/Sasser bill expound on the fact that the Departmenit of the Interior will never allow even a primitive type road to be build into this wilderness area. This statement disturbs me greatly.

No. 1, this is not a wilderness area. It has not been for several hundred years.

And, No. 2, when has the Department of the Interior become such a powerful being that it can ignore or refuse to follow the mandates of the U.S. Congress?

I know that I am not as smart as some of this distinguished gathering, but I thought that we, the people, still ran our Government and that any Department of that Government was responsible to us, and not vice versa. The attitude around Swain County is that the Department of the Interior is omnipotent. This is not true. Everyone in this Department works for us, and a few of them would do well to remember this.

Many opponents to this primitive-type road claim that it would open the area to more poaching. This may be true. But do we refuse to build four-lane highways because someone might violate the law on them? Of course not. What does the Department of the Interior hire rangers for and what does the U.S. Department of Justice hold Federal court for?

I think the answer to the poaching problem lies there, not in access to the area, for there is no road now, and some people use this as a private hunting preserve.

As for the conservation angle, I will address it briefly. Four-hundred thousand acres would be turned into a wilderness area by the Helms/East bill. This is a huge chunk of real estate. Will this not give conservationists enough room to enjoy their wilderness experience? I know everyone here is for the preservation of God's creatures, but in our rush to establish a wilderness area for these creatures, let us not forget that we, the citizens of Swain County, are God's creatures, also.

Thank you.

Senator **Wallop**. Thank you, Mr. Burnette.

Mr. Vance.

STATEMENT OF DAVID VANCE

Mr. **Vance**. Mr. Chairman, I will not address some of the things that this gentleman just addressed in his statement. All I want to do is say that I urge passage of Senate bill 2183, the Helms-East bill.

The mountain people are proud. We are proud of our mountains. We love our God and we do love our country. I grew up in the 1960's when there was a great deal of doubt about the integrity of the U.S. Government. My grandmother, who was forced off her property, did not have these doubts. She knew that a road would be built. She died before it was built.

We are trying to carry this on in our heritage. I am an environmentalist. Yes; I care about the environment, and this was instilled in me by my parents, grandparents, and even my great grandparents.

What we want is to be able to get back to our heritage. There are times that I really want to go to that cemetery, run my hands over tombstones and feel like I really do belong, like there are roots. It is important. Psychiatrists say that it is important for us to have touch with our background.

My grandparents and others lived up to their agreement. They left, many with tears. I have seen them get off the boats and kiss the ground when they get off.

As to the handicapped, I have seen them lifted and carried out of the boats in a chair. I saw tears running down a woman's cheek when she finally got to tend her husband's grave. My sister and I and the rest of this generation are trying to instill these old feelings of patriotism, love of God and love of country, in our children, and not to live up to this agreement I think would be another blight in American history.

I am a member of the generation after the second great migration. The Government forced the first great migration in 1830 when they forced the Indians off the land, and this second great migration of 1943 is no less traumatic and hurtful.

I hope that we will live to see the access to our cemeteries. I hope that this 44,000 acres, because of its questionable attainment, will be left out of the wilderness area. Allow us, the mountain people, to love our mountains and be the environmentalists.

I really don't know what else to say except we have heard Horace Kephart talked about. Our people, my great, great grandfather was the one that took him through the wilderness, little John Cable, so we do have ties and we do want to keep our mountains. We want to protect our mountains and we also want to protect our heritage.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Vance follows:]

March 11, 1984

The Honorable Senator Jesse Helms
The Senate Office Building
Washington D.C.

Dear Sir:

I am writing to urge passage of the Helms-East Bill in Congress. As first generation since the forced migration of the more than 1200 families from the Fontana Basin in 1943. The first forced migration was that of the Cherokee Nation in the 1830's. Our mountain people loved their God, families + heritage, the mounta and their Country. Our parents and grandparents have instilled in us this same love. We love our mountains and draw great strength from our past and our heritage.

My grandparents and others gave up their land in the name of national defense. These were a simple and trusting people and believed that the government would honor its agreement which was for a road so that they might maintain the burial sights of the five generations which settled these mountains. This agreement was not for boat, a mule and a wagon, but a road.

Many of these patriotic people have grown bitter at the failure of the United States Government to live up to their agreement. These people never thought to doubt the word of the government. The~~ses~~ people were a mostly poor and voiceless people. Again, today we the former residents & decendents are calling for the government to honor its agreement.

As an avid backpacker and cross country skier, I have a great respect for the mountains. I feel that the 44,000 acres on the North Shore of Fontana Lake should be left out of the wilderness designation. There is a fear, and not unjustified, that once it was designated wilderness our rights to the Cemetaries could and would be changed. These are sacred and holy grounds.

We will strive for another 40 years for our government to be truthful & honest. Restore our faith, allow us to maintain our heritage.

Sincerely

A. David Vance
11 Banbury Cross
Asheville, NC 28801

Senator WALLOP. Thank you, Mr. Vance. Thank you both very much for being here this morning.

Now, Mr. John Seay.

Mr. PACHNOWSKI. He is not here.

Senator WALLOP. Oh, Mr. Pachnowski, Your partner has left you?

Mr. PACHNOWSKI. Not my partner, necessarily.

Senator WALLOP. No, I know.

STATEMENT OF JOSEPH A. PACHNOWSKI

Mr. PACHNOWSKI. I would respectfully request that any legislation favorably reported by this subcommittee include the following as a minimum: One, $9.5 million cash settlement. The legislation should include language both authorizing and appropriating this sum upon ratification of the bill.

I heard your statement, Mr. Chairman, earlier in reference to that. I know the problems it may cause your committee, as well as the Appropriations Committee, and I think it would be a travesty of justice for whichever bill—Baker/Sasser, Helms/East—to go through Congress, be it 20,000, 400,000, 450,000 acres in the wilderness, the wilderness people will get their wilderness the day that legislation is passed.

What does Swain County have to do? Go back to the Appropriations Committee and fight for the money. We cannot have just an authorization. We need an appropriation at the same time.

If the cemetery people get their million dollars, they are going to have to go back to Appropriations and fight Appropriations. That is unfair. This is just another if and when, if and when Congress decides to do it.

To insure that, I would say payment of the $9.5 million should be a prerequisite to any—any acreage, be it 1 acre or 500 acres or 400,000 acres put into wilderness—that that money be paid to Swain County before 1 acre is put into wilderness, if any is going to be put into wilderness; forgiveness of the Farmers Home Administration school indebtedness; reasonable motor vehicle access to cemeteries located within the 44,000-acre tract; management practices of the Great Smoky Mountains National Park shall not interfere with present and future use of Fontana Lake; prohibit the closing of Highway 441 from regular traffic to and from Gatlinburg-Cherokee and provide unrestricted private vehicle access to and from Cherokee-Gatlinburg; the concept or implementation of any buffer zones extending beyond the boundaries of the Great Smoky Mountains National Park be prohibited; any interference with adjacent private property rights is unacceptable; and, finally, such other and further relief as your subcommittee deems just and proper.

Thank you.

Senator WALLOP. Thank you, Mr. Pachnowski.

Let me assure you that I am very much in support of that concept of both authorizing and appropriating at the same time, but there have been those who threaten us that any amendment is going to unravel the thin thread of compromise that has been read here. I don't believe that any more than I believe that we can't solve this problem. I think if one problem is solvable, so, too, should be the other, unless there are some people who are so rigid that they are opposed to this thing that they don't actually want a solution except solely on their own terms.

I agree with you, that it should be done that way. As far as I am concerned, we will have sought to have made that compromise in advance on anything that comes through our committee.

Mr. PACHNOWSKI. Thank you.

Senator WALLOP. That panel went so quickly I forgot to announce the ones on deck. The next one is Mr. Glenn McHan, Mr. Dan Woods, Dr. William E. Mitchell, and the Reverend Harry Vance, and on deck will be Helen Vance, Taylor Kirkland, Carloyn Kirkland, Barbara Pilkenton, who is representing Mr. Raymond Muse.

I guess I will go, as I have, from left to right. Since I don't have a full deck, I'll just have you tell me who you are.

Dr. MITCHELL. I am William E. Mitchell. I am a surgeon and general practitioner in Swain County.

Senator WALLOP. Thank you, Doctor.

STATEMENT OF DR. WILLIAM E. MITCHELL

Dr. MITCHELL. Your ear has been bent all morning on some of these points that I thought I had all to myself, so I'll just talk in short form to make this short.

First, I would like to say that the area in question on the north shore of the lake is not a wilderness. I was born there and my father before me. It hasn't been a wilderness since before the Civil War.

I certainly appreciate Senator Helms introducing a bill which would give access to the north shore and which would take this area out of the wilderness. It shouldn't be, and certainly it cannot be done and justice be done to the people of Swain County.

I know legislators usually try—and this is a point I want to make—usually try to consider the wishes of local government when they consider this sort of thing. On this one I think our local commissioners are simply out of step when they approved the Sasser/Baker bill. Commissioners are political people, and I can understand politics. I think they were trying to help Congressman Clarke, and I just think they are out of step on this one.

Swain County citizens were paying for the road donated by the park until 1975. There should be some compensation. Forty years is much too long.

Another thing that I would like to say is that historically when a government has lost the respect and the trust of its peoples' and it can keep that respect and that trust only by doing what it says it will do so they'll know where they are—historically, such loss of trust has preceded the fall of governments. I certainly hope that we are not on that road in this particular case.

I request that you gentleman help restore that confidence. Integrity in government is like integrity anywhere else. It's like pregnancy. Either you are or you ain't.

[The prepared statement of Dr. Mitchell follows:]

SWAIN SURGICAL ASSOCIATES, P.A.
William E. Mitchell, M.D.
DRAWER 760
BRYSON CITY, NORTH CAROLINA 28713
Edward Ray Cunningham, M.D.

704-488-2283

STATEMENT OF WILLIAM E. MITCHELL
of BRYSON CITY, N. C. to
SENATE TO COMMITTEE INVESTIGATING NORTH SHORE

I would like to address the proposal to designate the 44,000 acres of the Smoky Mountain National Park North of Fontana Lake a wilderness. This hasn't been a wilderness since before the Civil War. I was born there and my Father before me. This area has great recreational potential which should be forever available. To designate it wilderness would assign it to use by the young--the well conditioned and the idle who have time and stamina to walk many miles. I submit that there are millions of older, weaker, ill and lame Americans who have an equal right to enjoy our Park. My understanding of the concept of the Park is that it is to be used for the enjoyment of the people of the United States. Not for the self appointed elite.

Senator Helms, I thank you for your proposed legislation which would give access to the North Shore area. A ride in a barge across the lake, a bumpy four wheel drive vehicle ride and a long walk do not, in my opinion, represent reasonable access to the last resting place for the forefathers of previous residents of the North Shore. And this at the discretion of the Park Service. Some time ago a picture appeared in the Asheville Citizen showing a ranger overlooking a beautiful valley in the Park with the caption "Ranger So and So Surveying His Domain". Many of us in Swain County feel this Service considers the Park their property and only wish to admit a few citizens occasionally -- under close supervision.

I know Legislators usually try to consider the wishes of local government in this type of case. On this one, our commissioners are simply out of step with the people. I understand politics -- commissioners are political animals. In this case, I feel they wanted to help Congressman Clark. This is understandable, but not at the price of our heritage, for a bowl of porridge.

Swain County citizens were paying for the road inundated by Fontana until 1975. The government contracted to replace this road. The simple ethics involved cry out for a fulfillment of this contract. If our government will not keep its word, it cannot keep the trust and respect of its citizens. Historically, loss of trust and respect have preceded the fall of governments. Gentlemen, I request that you fulfill your moral and legal responsibility in this matter and build a North Shore road and not designate the North Shore as wilderness.

Senator **Wallop**. Thank you, Dr. Mitchell.
Reverend Vance.

STATEMENT OF REV. HARRY D. VANCE

Reverend **Vance**. Mr. Chairman, I was born in Proctor, NC. I am the son of a former employee of the Ritter Lumber Co. He operated an engine on Hazel Creek and Bone Valley. Also my father was an ordained Baptist preacher, preaching in almost every church from Bushnell to Fontana and up to the head of Hazel Creek and Bone Valley. My wife is a born native of that section.

It has been my privilege to return to the area many times with this group of people, and being under a disability because of my health, I got to go when others couldn't go.

In these 40 years of my ministry I do not believe that there has been any greater time when meeting with these people in these cemeteries. There we would sing together, pray together, many times shout together, and, also, as people would give testimony, some of the highlights of my ministry have been to stand and tell the love of God and remind these people that the Bible teaches that the grave is not the end.

Let me mention this: I had the privilege of going to the old swimming hole near Proctor ballground and there baptizing my oldest grandson with the approval of the church of which he joined, and also one of my nephews.

I believe the Bill of Rights, the first amendment, says that we have the freedom of speech, the freedom of the press and, third, the freedom of worship. I speak to that effect, that this was not just a gathering. This was worshipping as we met together in those cemeteries, a closeness that many people have never felt, and I had the privilege to worship there with them.

I am an American. I believe in the American way of life, and I believe as founded by our forefathers, and especially this first amendment, and I deeply believe that it would be one of the greatest wrongs to the former residents of the north shore area, other than having to give up there home and land, to deprive them of this road and access to the cemeteries.

Also, I believe in the Helms/East bill, and I believe if the county government has the interest of Swain County at heart, I cannot see them settling for anything less than what the Helms/East bill calls for, and I believe that we cannot let our Government forbid them of this privilege.

[The prepared statement of Reverend Vance follows:]

March 10, 1984

Senator Jesse Helms
Washington, D. C.

Dear Sir:

I was born in Proctor, N. C. and am the son of an employee of the Ritter Lumber Company. He operated an engine on Hazel Creek and Bone Valley, Also my father was an ordained Baptist Minister and he preached in all the churches from Bushnell to Fontana. My wife was born at Proctor and lived there until having to move out in 1944.

It has been my privilege to return to the area, for a number of years, and to the cemeteries with hundreds of former residents. Also,being a Baptist Minister for forty years, I have had the privilege to worship with friends and relatives, my father stood with [illegible] years age as they buried their loved ones. There are some cemeteries I cannot visit due to health reasons, which prevent my walking the distance to them. I also had the privilege to gather with a large number of the former residents at the 'old swimming hole' at the Proctor ball ground for a baptismal service, when I baptized my oldest grand-son and a nephew.

I am an American and believe strongly in the American way of life as founded by our fore-fathers, and expecially the First Ammendment to the Constitution of the United States, which guarantees the Freedom of Worship. There has been a worship service, consisting of singing, praying, testimony and a message from the Word of God, on every visit to each cemetery. I believe some of the greatest moments of my ministry have been worshipping with the people in these cemeteries. I deeply believe it would be one of the greatest wrongs to the former residents of the North Shore area, other than their having to give up their homes and land, is to deprive them of access by road in returning to the places where their loved ones are buried.
I have had a great interest in the county of Swain and its economy. In going to the cemeteries by boat, the cost has been great. I believe the road being built would help in the growth and the economy of the county as well as to fulfill a long standing promise of our Government. The mony now spent to travel to Fontana, Cable Cove and other boat landings would be spent in Bryson City for gas food and so many times lodging.
I strongly believe, if the road had been built,as promised, Bryson City and surrouhd areas would be as great in economy as Gatlingburg Tenn.

I cannot believe the Swain County officials have their own people's interest at heart when they are willing to accept any-thing short of the Helms-East Bill.

As I read the two bills, I find the Helms-East Bill offers more to Swain County than the Baker-Sasser Bill.

I strongly object to the 44,000 acres of land being put into the wilderness because of the guidelines set forth by the Great Smoky Mountain National Park.

I believe if this is permitted to take place, this case will set a precedency for the future, where our Federal Government can take control of any cemetery or burial place in our nation. If the people, who have loved ones buried in the cemeteries are denied their rights to bury, visit, etc., what is to keep the Federal Govennment from buying a portion of land around any cemetery in our Nation and do the same to other people. Where Federal money is used in construction of a new road, and access to a cemetery must be made as a result of the old access being destroyed, what is to keep the Government from forbidding the use of the new access? Or what is to keep the Government from forbidding the use of the lake waters as they are now being used? By placing this land in Park Wilderness, all power of decision is giving to Park management.

I deeply and sincerely urge the acceptance of the Helms-East Bill, I also request permission to speak at the March 16. meeting.

Sincerely
Harry D. Vance
Harry D. Vance
Rt. 3, Box 299
Sylva, N.C. 28779

Senator **Wallop**. Thank you, Reverend Vance and Dr. Mitchell. I appreciate your testimony this morning.

Panel 15 is Mrs. Helen Vance, Taylor Kirkland, Carolyn Kirkland, Barbara Pilkenton, again representing Raymond Muse. On deck will be Dr. Michael Pelton, Frank Smith, Richard Phillips, Dr. Edward Clebsch, and Morgan Sommerville.

Mrs. Vance.

STATEMENT OF HELEN C. VANCE

Mrs. **Vance**. Thank you, Mr. Chairman and distinguished guests. We appreciate your coming. We are honored by your presence here today, and I, Helen Vance, am also a representative of the North Shore Cemetery Association.

I was born in Proctor, graduated from Proctor High School in 1943. We moved in March 1944. We love this land and we lived there—I lived there for 18 years, and I lived on this mountainous, rugged terrain that the brother ahead of me was talking about. Our family lived there for over a hundred years.

Our families would not sign for their graves to be moved nor would they sign for them to be left until they were promised—there was a definite promise—of a road. We have several cemeteries in this area.

I would like for you to look at this map right over here on my left. You see these red dots on this 44,000 acres? That represents the cemeteries from Noland Creek—just this side of Noland Creek back to Fontana Dam. I didn't count them. I think there's close to thirty on there in all. We did not include the ones up around Indian Creek. There's more up in this area, but this is the one we are concerned with that we do not have access to the majority of these. And it was only because of the promise of a road built that we agreed to leave the area.

A TVA representative came to our home and told our family that there would be a road to our cemeteries after World War II, so after this our families decided to leave them there. That's when they agreed to leave them. There are several members of the family who moved away. Their relatives died within a few months. They brought those relatives back from as far as Hayesville to Proctor to bury them because they thought a road would be build within just a few short years, so they transported them that far, believing this.

As we go back in, we have to go from here to Fontana, across the lake for 5 or 10 or 15 or 20 miles—I think about 15 miles, I think, is the longest—and then we'd get out and ride in a four-wheel drive. The park has been great in the past 4 years providing access, but we do not feel that this is adequate access. We travel by four-wheel-drive Jeeps; we travel in a dump truck with hay on it as seats. We have done this many times; not just once, but several times. Is this adequate?

We had a mother return after 38, 40 years. She had buried her son just shortly before leaving there, thinking she'd go back in 8 or 10 years. After 38 or 40 years she retured. She cannot locate the grave. There's about 160 graves in this cemetery. Several of them are unmarked. But people thought they would go back in a few years and put markers up, and she hunted for that grave and had two bunches of flowers, trying to put them on that grave, and couldn't locate it. We couldn't help her right at that time. Later we did and sent word to her that we did find her son's grave, and so she is buying a marker for that grave. It is only after we were organized that she was able to go across Fontana Lake.

We were promised definitely that there would be a road back, and I would like to read you this letter. It was July 31, 1943—I will not read it all:

> Dear Mr. Cook: The construction of Fontana Dam necessitates putting a road in to the Proctor Cemetery located in Swain County. To reach this cemetery in the future it will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery which is promised to be completed after the war has ended.

Now, that's what we left the Fontana area with, these promises. These were mailed out to our families so we left with this, thinking we would go back. Forty years later we are celebrating the 50th anniversary of our park. Give us this little privilege of a road back to this area.

Also, before we left my family did not move out of there until March 1944.

The headlines in the Bryson City Times on December 9, 1943, read: "Army to build a practice road in Great Smoky Mountains National Park, reroute the location of Highway 288, and this was the headlines in our local papers before we left here, so that's why we are so determined to have some type of access other than what the park is providing. We want access by road, just a primitive, little road. We don't believe that's asking to much.

Thank you, sir.

[The prepared statement of Mrs. Vance follows:]

Rt. 3 Box 299
Sylva,N.C. 28779
March 7, 1984

Senator Jesse Helms:
PO Box 2944
Hickory,N.C. 28603

Dear Senator Helms:

I request permission to speak at the hearing in Bryson City,N.C. on March 16, 1984. I was born on November 28, 1926 at Proctor,N.C. My great-great grandfather settled at Proctor in 1832. For the next 112 years my family (the Cables) lived on this same farm. Our cemetery holds the graves of my brother, grandmother, grandfather, two sets of great grandparents and great-great grandparents. I have several aunts, great aunts, great uncles and cousins buried there. There are 160 graves at this cemetery and the majority are related to me. There are so many people from the Proctor Area who can say the same concerning this cemetery or other cemeteries. We hope you can understand why we are so hurt because of broken promises. We can forgive the meager sum paid for our land and homes but to renege on access to our cemeteries leaves us very bitter. At the beginning of World WarII , a bill was swiftly passed to build Fontana Dam in Swain Co.,N.C. In Jan. 1942, T.V.A. repressentives were on the scene. By March 1942 the work really began to move at a very past pace. Our families wanted to keep their land above the high water mark. Six or eight families did go to court but the effort was in vain. The cemeteries below the high water mark were moved to a new location. The majority of the families did not want the graves of their loved ones disturbed that were in the cemeteries above the high water mark.

There were only 85 graves reinterred from these cemeteries. There was some controversy because so many families refused to sign any papers concerning the remaining graves. They did not want them moved and neither would they agree to leave them until there was a definite promise that a road would be built so they could return to the grave sites. We also have burial rights in several of these cemeteries. A T. V. A. Representative visited the homes bearing the message that a road would be built after the war. Then our families agreed to leave the graves in these cemeteries, believing they would be able to return in just a few years. Form letters from T.V.A were sent to families stating a road would be built after the war and therefore we could have access.

There were about 20 families still living at Proctor Hazel Creek Area in 1944. We did not move out until March 20, 1944. There were army engineers in the area in December 1943. The headlines in the Bryson City Times on December 9, 1943 read Army to build running line for a rough pioneer type road. There are several articles in this paper during 1943 pertaining to the road. When we moved in 1944 it was with a definite promise that we could return by road. We have ingress and egress rights in the transfer from T.V.A to the Dept. of Interior. Our parents believed your word was your bond, believed in God and their government. They never dreamed that their government would not be true to its word. During the 50's, the 60's, 70's and the beginning of the 80's there was always hope that the agreement would be honored.

We have 23 cemeteries that cannot be visited unless you walk several miles or cross Fontana Lake. Sometimes we travel from four to ten miles on the water to visit these cemeteries. There are three cemeteries with one or two graves and twenty cemeteries with 5 to 180 graves. There were six cemeteries that we could not visit without walking several miles or traveling on the lake until the "road to nowhere" was built. Now we can visit these by car.Three are near the road and three are near Noland Creek. We have several veterans buried in these cemeteries. My great-great-great grandfather fought in the American Revolution. My father was in service during World War I and my two brothers volunteered for the Navy in World War II.

We are a people that believes in our government. We believe that our government has failed to live up to its promise. Our families were sending their young men to World War II at the very time we were receiving promises that we would be able to return to our cemeteries by road after the war. Money has been appropriated for the construction of this road over the years. I was standing by my father in our front yard when the representative from T.V.A came with the message, "There will be a road built and you can come back to your cemeteries." My father had been so upset about moving from the land that had been in the family since 1832. Then knowing that he could leave the graves of his young sons, mother, father, grandparents, and sister meant everything to him. I'll never forget how happy he was at the receiving the news.

My parents were able to visit the cemeteries two or three times. Many other families were never able to return. There are several of the older generation that will not go because they have a fear of water. We hope and pray that these 44,000 acres will never be included in wilderness. We know that wilderness means no motorized vehicles and no roads. We firmly believe that in the future this area will be closed to our visit. Maybe not right now but what about 10 years from now? We feel our only assurance is to keep this out of wilderness. There are more than 30 cemeteries on this 44,000 acres. We are also concerned about the land joining the wilderness area and of great concern to all is Fontana Lake. How will this affect the use of the lake in the future if this goes into wilderness? Why can't a small portion (this 44,000 acres and the area near Cherokee) be reserved for use by everyone including the people who gave so much (their homes, schools, churches).

Why should only back country hikers be allowed to use this great area? Those trails that the hikers use were made by our families. Our relatives lived in Cades Cove, Tenn. and they walked from there to Proctor many, many times. Our families would leave Proctor and walk up Jenkins Ridge, by Russell Fields and into Cades Cove, Tenn. I also walked this when I was 12 years old. What an experience. So you see we love this Great Smoky Mountains National Park as much as anyone if not more than the average person.

We don't believe that a small, gravel, logging road would be damaging to this land and surely that isn't asking for too much after all the promises that were made to us.

The first time we visited Bone Valley Cemetery and Hall Cemetery in 1978 as an organized group we had a National Park Service wagon pulled by two mules, two or three people on horseback and three motorcycles. We had over 150 people near the lake at Proctor. The wagon could only haul 8 or 10 people. There was about 75 who walked the six miles to Bone Valley Cemetery and about 25 or 30 who walked the nine miles to Hall Cemetery. That was eighteen miles. Mrs. Laney walked all the way to Bone Valley and back to the lake (12 miles). She was 72 years. That is how much people wish to go back to the graves of their loved ones. From 1944 to 1980 we have crossed the lake at our own expense. Either hire a boat or bring one with you. We have had people bring boats from Winston Salem, N.C., Lenior, N.C., Waynesville, N.C., Knoxville, Tenn. and Maryville, Tenn. to help git our people across the lake. Sometimes there would be 150 to 175 people and six boats. The park service has provided 4 wheel drive jeeps-wagons, dumptrucks and other means of transportation on the North Shore of the lake since 1979. They have also provided boat transportation since May 1980. We are thankful for this help. But sincerely hope that access by a small graveled road can be forthcoming.

We have been at Bone Valley Cemetery, six miles from the lake, in a down pour of rain. We are at the mercy of the elements, without any shelter. This is so disheartening to plan for a homecoming with about 125 or 150 people and then be drenched with rain, no shelter or anything for a picnic lunch. If the lake is twenty to forty feet low, the embankment is so rough that many elderly people can not make the trip.

We also wonder what will happen to the Park Service plans to build a day use facility in the vicinity of the tunnel on the North Shore Road 9A and the small interpretive center that was planned for Deep Creek if this goes into wilderness? Will the men working on the trails and maintenance be able to keep their jobs?

The Helms-East bill is the fairest to all the people. I want to thank you, Senator Helms, for trying to fulfill a legal and moral obligation regardless of politics. It takes a man of great courage to take this stand. Do whatever you possibly can to keep this section out of wilderness. Tennessee is certainly keeping more out of wilderness and trying to put most of North Carolina into wilderness.

Sincerely,

Helen C. Vance

Helen C. Vance

Senator **Wallop**. Thank you, Mrs. Vance.

I want to tell you in my former incarnation before I went to Washington I was a cattle rancher, and I would have been happy to have you move some of my cows. [Laughter.]

Senator **Wallop**. You did real well. Thank you.

Mr. Kirkland.

STATEMENT OF TAYLOR KIRKLAND

Mr. **Kirkland**. Yes, sir. Thank you.

Mr. Helms, Senator Helms, we welcome you to our county.

I am Taylor Kirkland, born down at Chambers Creek right close to a little township called Bushnell. I played, hoed corn, and went to school in these places that we call wilderness. It wasn't wilderness then; it's not wilderness now. As far as I am concerned, it never will be wilderness.

I went to many funerals down there as a small child and watched my people be buried down there behind that lake. They moved out, all the ones that were down below the water edge, but the ones above the water, we left them, because we was promised a road back to the cemeteries, and we have never been able to get it.

I have only been able to go back to probably one—I know of one—Decoration. That Sunday we had to walk many miles. Being disabled, that was the last one I was able to go to. I laid in the bed the biggest portion of the week, and yet I don't believe it would be asking too much of the Federal Government to construct a small, primitive road to those cemeteries where our people are buried.

My mother passed away a year ago, wanting to go back. She was afraid of water and she never did cross the water to go back, so it's up to us young people, the younger generation, to try to get the Federal Government to live up to their promise.

As a small boy I stood on the porch with my mother and six other children and listened to the TVA discuss the situation with my daddy. They promised us that they would build a road as soon as the war was over. The Second World War was going on. We had to move out. We was the last family on Chambers Creek to leave, and we were forced out or be put in jail. So my daddy moved us out.

We had 99.9 acres of property. We were given $1,435 for the boundary of timber. We came up here and relocated about 2½ miles north of Bryson City, and we got 12 acres for $1,300. That's making money, people.

Thank you.

[The prepared statement of Mr. Kirkland follows:]

Bryson City NC.
March 7 1984

Senator Jesse Helms.

I Taylor Kirkland was born on Chamburs Creek in 1933 and I lived there untill 1943 when my family like the others were forced to leave our homes. Untill I was about ten years old I went to school [illegible] at Bushnell and we play on those hills that some folk are now trying to say is wilderness It wasn't wilderness then it isn't now, and it will never be wilderness to us.

My mother and us six kids stood on the porch while our dad stood in the yard and listened to the man from T.V.A. tell him that when the war was over our government was going to build a road so we could all go back down there and visit the cemeteries where our loved ones were left.

Up untill about seven years

ago there were no decoration days set and my family could never afford a boat so we could not go any time we wanted to. Now I am sick and last year I tried to go but after one Sunday I saw I could not walk the steep hills to some of the cemeteries. That Sunday we went to the Cook Cemetery and the path was very steep and we walked a long way. I was in bed most of the following week. My wife and daughter go but it is awful dipressing that I can't make the trip by boat and four wheel drive vechicle. The park personell is very good about helping us but there is only so much they can do.

My dad had 100 acres of land and was paid $1435.00 cash and a promise that has not been kept. My family feels like the land wont be paid for untill

the Government builds the road.
If our government dont intend
to pay its debt why dont it
let us have our land back
The could develope it and make
it [illegible] worth a lot to our
County.

Respectfully
Taylor Kirkland

I would like to speak at the hearing

Senator WALLOP. Thank you, Mr. Kirkland.
Miss Kirkland.

STATEMENT OF CAROLYN KIRKLAND

Ms. KIRKLAND. Mr. Chairman, I can't tell you what it was like when the TVA came down and told us we were going to have to leave our homes and our land, but my dad right here sitting beside me, he can tell you all about it.

And this place they are calling wilderness, like he said, it's not a wilderness. You can't deny those old homesteads and those cemeteries and those roadbeds.

My great, great granddaddy settled that area on Chambers Creek. He came across the mountain from Cane Creek, TN. In 1943 they moved him and my great, great grandmother's graves out, because they were going to be in the water. TVA told us we could leave the rest of the graves, because they were going to build a road back. That's what they told everybody. But as you see, we ain't got it and we probably never will get it. But a man is just as good as his word, and the Government is just as good as their word, I believe.

It seems to me that the Government has just been waiting for these older folks to die off so the younger people will forget about it, so these naturalists and these Sierra folks can come in here and take over and run this part of the country like they see fit, but we have been here a long time. We are going to be here a long time after the wilderness folks are gone. They aren't running us off, and they can't take all of the land, but I think the Federal Government ought to do what it promised in 1943. It's the only right thing. If they didn't intend to build a road, they should have told those people, "We aren't going to build the road back, folks. Move your families out. Move your cemeteries out," but they didn't. They just went ahead and said that they'd build a road.

I would like to take this chance to thank Mr. Frank Hyatt, Jr., and the men that work with him for helping our old folks. Some of them is 80 years old, and they have a hard time getting down the clay banks and the rocks and getting in those boats to go back to their homes and their cemeteries.

But these people do the best they can with what they got to do with, but it's dangerous. These old folks can fall, anything. Like they say, they have carried a lot of them in chairs. And it's just not right. It never will be right. There's hard feelings over it, and we want to protect that land down there. We have more feeling for it than these people down here from Washington, DC, wanting it put into wilderness so we can't go back and see our family graves. We have more feeling for that land than they'll ever have, because that's our home, and we'll always go back, and the younger generation, we won't forget. We'll go back and we'll see that land.

I just think that someday somebody will come along and understand, in some way the Government will hold up to the promises that they made to all these people.

I support the bill, and I hope that that area doesn't go into wilderness, and I hope that we do get a road back in there like we were promised. Thank you.

[The prepared statement of Ms. Kirkland follows:]

Bryson City NC.
March 5 1984

Sen Jesse Helms

Sir I cannot tell you what life was like for me in the Chambers Creek area of Swain County. I cannot tell you how sad it was to have to leave my home there and see my neighbors leave knowing we would probably never see some of them again. The reason I cant tell you any of this I was not born or lived there but my daddy was and my grand daddy was and my great grandaddy was and my great great grand daddy came from Cane Creek Tenn And settled there. He helped to blaze those trails and settle that land. I think of him as a true pioneer. He raised his family lived died and was buried there. In 1943 both he and my great great grandmothers graves were moved to ~~Swain County~~ Bryson City because the cemetery in which they were buried is now under water. Many of my cousins who were buried in different Cemeteries were left because my family like the others familes were told that after the war was over a road would be built back and they could go back and visit their dead. We have always been a close family and we believe in God and we believe in our Country. In these mountains a man is judged by others on the kind of man he is. In other words a man is as good as his word. Still we always believed that one day our Government would live up to its word and build the road that they had promised. It never occured to us untill recently that they were just waiting to sienlly slip all that land into wilderness without any regards to the human elements that ties us to our heritage. We who have ties there and have family buried there love the land in a way those who are fighting for it to be turned into wilderness never could. We want that land protected and it has been for the last 50 years since the park was established. I dont feel like any of the Great Smoky Mountain National Park should be designated as wilderness but especially the 44,000 acres that once was T.V.A. land.

Another reason I think the road should be built is that the Constitution of the United States garantees us freedom of worship When we cannot go freely to our loved ones graves and pray there and stand there in silent tribute we are being denied the very thing we are suppose to be garanted as an American

I am 18 years old I can put a back pack on and I can walk to any place I want to know but my daddy is sick and he can't do that and my granddaddy will be 80 years old his birthday and he cant do that. They should have the same opportunity as I do. One day I will be 80 years old then I cannot go back either. Some of us feel like the Government is just waiting for the older ones to die off and maybe the younger ones would't be as anxious to go back. Well this just isnt the case when we catch the boats on Decoration Days during the summer there are many who come with their small children even babies who have to be carried all day. The won't forget, neither will we ever stop wanting a road

Carolyn Kirkland
Bryson City NC.

I would like to have time to testify at the hearing

Senator HELMS. Thank you very much, Miss Kirkland.

STATEMENT OF H. RAYMOND MUSE, AS PRESENTED BY BARBARA PILKENTON

Ms. PILKENTON. This is a statement from H. Raymond Muse, who was born in Haywood County in 1897:

I have been a resident of Swain County since I was 17 years old. I worked five years in logging camps in the Great Smoky Mountains and also spent four years with the CCC Camps in the same Park. My wife, Ida Chambers, was born in 1897 on Chambers Creek in the lower area of Swain County. My wife and I were married 63 years ago in 1921. Ida's great, great grandfather claimed the entire land area of Chambers Creek.

This pioneer family and their descendants were buried in the Chambers Creek Cemetery at the mouth of Chambers Creek, later named Hyde Cemetery.

When the TVA began the process of the second removal of the people of this area, a public meeting was called and held at the Chambers Creek Baptist Church. There was standing room only at this meeting. The purpose of this meeting was for the next of kin to select a site above the high watermark to move the bodies of their relatives. Fred Montieth, a local merchant, was the moderator of this meeting. The meeting was called to order and the people were asked their opinion on moving the graves above the high water line until the road was built. No action was taken on this. No comment came forth.

Fred Montieth, the moderator, asked me, Raymond Muse, for my opinion on the matter. My wife, Ida, stood to take my place. Her statement was, "All my people are buried here in Chambers Creek Cemetery, and I intend to move them out, if I have to bear all the expenses, myself, because I don't know when this promised road will be built."

A vote was taken by the congregation and everyone voted to have the graves removed. This was Sunday and nothing was said about moving any of the graves in the Chambers Creek Cemetery above the high water line. This cemetery was above the high water line and above the promised road.

The following week TVA began searching for land to buy for the cemetery removal. They looked at several places, including the Deep Creek area of Swain County. Their choice was the Lauada section of Swain County.

The TVA hired the best horsetraders in Swain County and paid them $10 a day to appraise this property to be bought for the building of the Dam. These appraisers went door to door seeking the best price they could get. Some people agreed to the price offered; others did not. The people who did not agree to the price were taken to court in Asheville and their land condemned and taken.

One man, serving in the Army at the time, came home to find his property taken over by TVA and leased out. He was a very angry man.

I went into the moving business in 1941 and moved about two-thirds of the people from the north shore. Most of the people asked me to drop them a card when the promised north shore road was finished. They wanted to come back and put up tombstones and work on the cemeteries left behind. I have not had the privilege of writing a card to this day. The TVA began rushing to tear down, burn and remove all the houses, schools and churches:

I was sent to Bone Valley Church to remove the congregational seats to a church in Bryson City. These were good seats and modern for their day. The people of Bone Valley had worked hard to pay for these seats, and this meant a lot to these people. I removed the seats and started to Bryson City with them.

Six miles down Hazel Creek at Proctor I stopped to get something to eat. When I returned to my truck I found 65 to 75 men, women and children. Some were down on their knees praying; some were climbing on my truck to cut the rope to get the seats off. I asked this crowd what to do with the seats. They agreed that I take the seats back to Bone Valley Church.

I did so, and upon arriving at the Church two TVA men were standing at the foot of the hill below the Church and I was told not to put the seats back into the church because the TVA was going to have the Church torn down. I said, "What the heck am I supposed to do with the seats? I can't leave them on my truck and haul them around." These two men told me to pile them up in a field next to the Church. I did just that, and TVA covered them with a tarpaulin.

I think this issue has been a political ball game long enough. The Government ought to bring it to an end one way or another. In my opinion there are only two ways to do this: Either build the promised road or return the land back to the people.

I am a charter member of the North Shore Cemetery group. I have attended meetings, written to Senators, Congressmen and even Presidents concerning this issue. The Lord has been good to Ida and me. We have been blessed with four children, grandchildren and great grandchildren. We have kept the faith and fought a good fight. I can still drive and one day soon would like to take Ida to places and cemeteries which we hold so dear in our hearts.

Thank you.

Senator HELMS. Thank you very much. That concludes that panel. That was Mr. Muse?

Ms. PILKENTON. Yes.

Mr. MUSE. And I have 15 copies right in my car.

Senator HELMS. Very good.

Young lady, don't you ever make up your mind that you have got no friends in Washington.

Ms. KIRLAND. I just like to be free. I thank you and bless you.

Senator HELMS. You were most impressive.

Mr. MUSE. I want to go on record as supporting yours and Senator East's bill.

Senator HELMS. Thank you very much.

Now, this is panel No. 16 of 40 panels, so we are not quit halfway through.

Mr. Pelton, Frank Smith, Richard Phillips, Dr. Clebsch, and Morgan Sommerville, if you will come forward. In the holding pattern will be panel 17: Mrs. Millie Vickery, Mrs. Eleanor Rhinehart, Mrs. Lee Woods, Mrs. Beulah Mae Rhinehart, and Russell McLean.

Dr. Pelton.

STATEMENT OF DR. MICHAEL R. PELTON, AS PRESENTED BY DR. EDWARD CLEBSCH

Dr. CLEBSCH. I have testimony from Dr. Pelton that I would like to read. My name is Dr. Clebsch.

Senator HELMS. Very well.

Dr. CLEBSCH [reading].

Mr. Chairman, I have camped, hiked, and fished in Great Smoky Mountains National Park for the past 5 years, and during the last 15 years I have supervised over fifty research projects in the Park and surrounding national forests. The primary thrust of my graduate students and my efforts has been on black bears. We have learned much about the natural history and ecology of black bears, and we have captured, marked and released hundreds of the animals and have followed dozens by radio telemetry to document their seasonal movements.

Some facts have emerged relevant to the wilderness designation of the Great Smoky Mountains National Park:

One, black bears require large tracts of relatively inaccessible land in the Southern and Appalachians to survive. Our telementry data reveal that annual home ranges cover many square miles.

Second, the relative integrity of bear habitat outside the Park is continually being compromised and/or abused as each new or upgraded road or development provides increased access and, therefore, decreased choices and flexibility for bears needing prime foraging, escape and denning areas. The cumulative impact is a gradual degrading of the available bear habitat outside the Park.

Three, illegal hunting, particularly for bears, is intense and perennial, both inside and around the periphery of the Park, and results in tremendous losses to the bear population. Documentation of such activities is difficult, but the records of several resource agencies in this region and our own research data are irrefutable and startling.

Fourth, Great Smoky Mountains National Park is a vital sanctuary and reservoir for black bears for the entire Southern Appalachian region. The Park serves in this capacity because of the relative protection it provides to a large nucleus of bears, particularly breeding age females, through limited accessibility to large tracts of habitat. This reservoir provides surplus animals that can potentially disperse into game management lands in Tennessee and North Carolina where they could be harvested on legal hunts each fall. However, most of the surpluses generated are being killed annually by a few greedy and selfish illegal hunters.

Five, to survive the winter, the bears must move outside their normal spring-summer ranges in the fall in search of acorns. Our radio tracking data indicate large numbers of bears annually move from the central core and the western Tennessee side of the Park into North Carolina, encompassing the area excluded from wilderness under your proposed Bill.

Sixth, providing access into this critical fall feeding area will only play into the hands of those who have abused this resource so flagrantly for so many years. The amount of illegal hunting activities will increase. The integrity of the habitat and security of the bears in the Park should not be compromised or jeopardized. It must be maintained and strengthened so that future generations can continue to enjoy this valuable resource.

Therefore, I urge that those interested in the welfare of the Park in general and black bears specifically support S. 1947, the Baker/Sasser Bill.

Senator **HELMS**. Thank you very much.

Mr. Sommerville you may proceed.

STATEMENT OF MORGAN SOMMERVILLE, APPALACHIAN TRAIL CONFERENCE REGIONAL REPRESENTATIVE FOR GEORGIA, NORTH CAROLINA, AND TENNESSEE

Mr. **SOMMERVILLE**. My name is Morgan Sommerville, I am the Appalachian Trail Conference regional representative for Georgia, North Carolina, and Tennessee, and I am based in Asheville. I am a long-time resident of North Carolina. I am testifying for the Appalachian Trail Conference.

The Appalachian Trail Conference is a volunteer nonprofit organization dedicated to the maintenance and preservation of the Appalachian National Scenic Trail, which stretches 2,100 miles from Springer Mountain, GA, to Katahdin in Maine. The conference represents the approximate 60,000 members of the three hiking clubs which make up the A.T. Conference in matters pertaining to the Appalachian Trail. Approximately 1,450 of these club members help maintain the Appalachian Trail in North Carolina.

The Appalachian Trail runs the full length of the Great Smoky Mountains National Park, following the crest of the main ridge. Because of its location, hikers on the Appalachian Trail are rewarded with commanding views of virtually the whole park.

In addition, the Appalachian Trail is the most popular hiking trail and camping area within the back country of the Great Smoky Mountains National Park, and the park is one of the most popular areas on the whole trail, and rightfully so. The Great Smoky Mountains National Park is the largest area along the entire Appalachian Trail managed for wilderness values.

Therefore, the Appalachian Trail Conference firmly believes that it is in the best interest of the users of the Appalachian Trail to have the maximum amount of acreage possible within the Great Smoky Mountains National Park designated as wilderness, and we support the 467,000-acre proposal of Mr. Sasser and Mr. Baker.

The Appalachian Trail Conference feels that reduction of this acreage, particularly by the 44,000 acres north of Fontana Lake, would seriously damage the proposed wilderness and negatively affect the experience of Appalachian Trail hikers.

Likewise, the proposal to build a road north of Fontana Lake to access cemeteries there would do irreparable damage to that area. In our opinion, the access to these cemeteries now provided by Great Smoky Mountains National Park is more than adequate to meet the needs of those who wish to visit the graves of their ancestors. This present access is intrusion enough on this wonderful wild area.

To resolve the longstanding disagreement between Swain County and the Federal Government regarding the road north of Fontana Lake, the Appalachian Trail Conference favors paying Swain County approximately 9.5 million in lieu of constructing the road and supports retiring the Swain County school bond debt.

The Appalachian Trail Conference feels that the Appalachian Trail is compatible with wilderness and, in fact, the trail was originated as "a footpath for those who seek fellowship with the wilderness." The conference is pleased that the Great Smoky Mountains National Park General Management Plan and Draft Back Country Management Plan recognize the Appalachian Trail and its shelters.

We are hopeful that the committee will recognize this compatible relationship between the Appalachian Trail and wilderness and emphasize the cooperative managment of the Appalachian Trail within the park by the Smoky Mountains Hiking Club, park staff, and the Appalachian Trail Conference.

In conclusion, the Appalachian Trail Conference is pleased to support the recommendations embodied in S. 1947.

Thank you.

Senator HELMS. Mr. Sommerville, I thank you for your testimony.

Could I inquire, how many members of the Appalachian Trail Conference had their land confiscated by the Federal Government?

Mr. SOMMERVILLE. In the park?

Senator HELMS. Yes. How many members do you have whose land was taken?

Mr. SOMMERVILLE. I have no idea.

Senator HELMS. Do you know of one?

Mr. SOMMERVILLE. No, sir.

Senator HELMS. Do you know of one who has loved one in a cemetery over there?

Mr. SOMMERVILLE. Not that I know of.

Senator HELMS. I see. Now, you don't favor the road proposed under my bill?

Mr. SOMMERVILLE. No, sir.

Senator HELMS. You are aware that the Park Service is going to spend $1 million on a 6-foot trail. Do you favor that?

Mr. SOMMERVILLE. I would have to know what you are speaking of specifically.

Senator HELMS. Well, I am talking about a 6-foot trail that the Park Service is going to build at the cost of $1 million to the taxpayers.

Mr. SOMMERVILLE. I don't know which trail you are referring to.

Senator HELMS. Well, a hiking trail, $1 million, 6-feet wide, and apparently you don't object to that, but you do object to a 10-foot road so the people can get to the cemeteries. Where is the consistency?

Mr. **Sommerville**. Most of the Appalachian Trail is being constructed by volunteer efforts.

Senator **Helms**. Forgive me. I don't want to be discourteous to you. I sincerely don't, but you are not answering my question.

Mr. **Sommerville**. Would you restate it, please?

Senator **Helms**. For the third time, you apparently favor the trail. If my information is correct, and I'll ask Mr. Craft.

There is going to be a 6-foot trail at a cost of $1 million; is that correct?

Mr. **Craft**. Yes.

Senator **Helms**. And you think that's fine, but you object to a 10-foot road to accommodate these people in getting to the cemeteries?

Mr. **Sommerville**. I'm sorry. I still don't understand which trail you are referring to.

Senator **Helms**. Well, let me be a little more precise, then. The Park Service spent $1 million out of the jobs bill fund last year for this trail, and I haven't heard a mumbling word of criticism about that. As a matter of fact, everybody thinks that's fine, but then these people have asked me to defend their rights in terms of a commitment made to them by their Government, and you object to the road, according to your testimony; is that correct?

Mr. **Sommrville**. I object to the road, but I still dont understand about the trail.

Senator **Helms**. You don't know there is a trail going through there that's being built by the Park Service?

Mr. **Sommerville**. I wasn't aware that it cost $1 million, no.

Senator **Helms**. You didn't think it was free, did you?

Mr. **Sommerville**. No, sir.

Senator **Helms**. Thank you very much.

Dr. **Edward Clebsch**. I am Dr. Clebsch and I would like to enter my own statement into the record.

Senator **Helms**. The next panel will just forbear for a minute.

STATEMENT OF DR. EDWARD E.C. CLEBSCH

Dr. **Clebsch**. Thank you for your courtesy.

The manifold values of wilderness to science—and, therefore, to society—are set forth in the published proceedings of the Sixth Biennial Wilderness Conference of 1959, entitled "The Meaning of Wilderness to Science."

Additional values of wilderness have been recognized in the Wilderness Act of 1964 and in subsequent acts of the U.S. Congress. International recognition of the values of wilderness came in the form of UNESCO's Man and the Biosphere Program, which provided for the establishment of International Biosphere Reserves. The Great Smoky Mountains National Park was in the first group of International Biosphere Reserves established in the United States.

Indicentally, by April 1978, 144 official Biosphere Reserves had been established in 35 nations.

The "biosphere reserve" designation does not require a wilderness status, but the objectives for the system of reserves are similar to those set out in the Wilderness Act of 1964. One of the objectives for the biosphere reserve system is this: To conserve for present and future human use the diversity and integrity of biotic communities of plants and animals within natural ecosystems, and to safeguard the genetic diversity of species of which their continuing evolution depends, and we are a part of that dependence, you and I.

The four essential criteria for selection of biosphere reserves are representatives, diversity, naturalness, and effectiveness of an area as a conservation unit. In addition to these essential criteria, there are secondary ones, of which this is one and I am quoting:

> To be selected as a Biosphere Reserve, unique features should be sufficiently outstanding on a world scale for their international importance to be beyond dispute.

What has this to do with wilderness in the Great Smoky Mountains National Park? Remember that the Smokies are already a international biosphere reserve. They meet the objectives, criteria and guidelines. The Smokies in large measure already qualify as wilderness. The managing agency has said so for nearly 20 years. The conservation community has said so for longer than that and you, among the legislators, agree. The critical questions concerning the Smokies' wilderness are "How much?" and "Of what quality?"

Large wilderness, unbroken, helps to protect its included species. There are several plant and animal species included on the North Carolina lists of rare, threatened or endangered species of on lists of candidate species for the national lists that are known to occur in one of the two excluded areas in your bill, or are strongly suspected of occurring there.

I, therefore, ask that you consider the very long-term consequences of your own legislation to that precious piece of land we call the Great Smoky Mountains National Park and to the unborn legions of Americans for whom it was created and lend your support to the Baker/Sasser bill, S. 1947.

Thank you very much for the opportunity.

[The prepared statement of Dr. Clebsch follows:]

15 March 1984

Honorable Malcolm Wallop
Chairman
Subcommittee on Public Lands
and Reserve Water
Committee on Energy and Natural Resources
Suite SD 308
Washington, D. C. 20510

Dear Chairman Wallop:

The manifold values of wilderness to science (and therefore to society) are set forth in the published proceedings of the sixth Biennial Wilderness Conference of 1959 entitled, "The Meaning of Wilderness to Science." Additional values of wilderness have been recognized in the Wilderness Act of 1964 and in subsequent Acts of the U. S. Congress which created additions to the National Wilderness Preservation System. International recognition of the values of wilderness came in the form of UNESCO's Man and the Biosphere Program which provided for the establishment of International Biosphere Reserves. The Great Smoky Mountains National Park was in the first group of International Biosphere Reserves established in the United States. By April, 1978, 144 official Biosphere Reserves had been established in 35 nations.

The Biosphere Reserve designation does not require wilderness status, but the objectives of the system of reserves are similar to those set out in the Wilderness Act of 1964. I quote in part from those objectives:

a. To conserve, for present and future human use, the diversity and integrity of biotic communities of plants and animals within natural ecosystems, and to safeguard the genetic diversity of species on which their continuing evolution depends.

b. To provide areas for ecological and environmental research including, particularly, baseline studies, both within and adjacent to these reserves, such research to be consistent with objective (a) above.

The four essential criteria for selection of Biosphere Reserves are: representativeness (of the biome); diversity (of communities and organisms characteristic of the biome); naturalness (the least modified being the most appropriate); and effectiveness of an area as a conservation unit (size, shape, and location; large enough to fulfill requirements of the species involved and to be self-regulating, and with enough surrounding land of compatible use to effectively serve as a buffer zone to exotic influences).

In addition to these essential criteria, there are secondary criteria. I mention only one. "To be selected as a Biosphere Reserve, unique features should be sufficiently outstanding on a world scale for their international importance to be beyond dispute. Unique areas could, for example, be the centers of distribution of threatened or endangered species, areas where different floristic provinces converge, or areas which afford unique research potential . . . ."

What has all of this to do with wilderness in the Great Smoky Mountains National Park? Remember that the Smokies are already a Biosphere Reserve--

they meet the objectives, criteria, and guidelines. The Smokies already qualify as wilderness--the managing agency has said so for nearly 20 years; the conservation community has said so for longer than that; legislators agree. The critical questions concerning Smokies wilderness are now, "How much?" and "Of what quality?".

The National Park Service in its General Managment Plan for the Park recommends 467,000 acres for inclusion in the National Wilderness Preservation System. The legislation introduced by Senators Baker and Sasser, S. 1947, is consistent with that recommendation. Wilderness should be as large and continuous as other constraints allow, and the scientific arguments for maximum size are numerous. Legislation which proposes less than the maximum compromises wilderness values and lessens the heritage of future generations of Americans.

Wilderness is, by definition, roadless. To suggest exluding qualifying lands from proposed wilderness is bad enough, but to also suggest building a road through that exclusion is but to invite degradation of wilderness. We have but to look to the balsam woolly aphid and the gypsy moth to find horrifying examples that bear out my premise.

Large wilderness, unbroken, helps to protect its included species. There are several plant species included on the North Carolina lists of rare, threatened, or endangered species or on lists of candidate species for the national lists that are known to occur in one of the two excluded areas or are strongly suspected of occurring there.

The people of the United States will pay a $9.5 million ransom if they are to have wilderness in the Smokies. To add to that ransom price the exclusion of 67,000 acres of qualifying land, and to further require the building of a road through a portion of that qualifying land is to serve short term interests only and is to ignore the Park Service's charge of land stewardship for long term future generations of our fellow countrymen.

I appeal to Senators Helm and East to consider the very long term consequences of their proposed legislation to that precious piece of land we call the Great Smoky Mountains National Park and to the unborn legions of Americans for whom it was created. Thoughtful consideration will dictate that they support the professionals of the National Park Service in the more inclusive recommendation for wilderness in the Smokies. It is the Baker-Sasser bill, S. 1947, which must, for the benefit of the most for the longest, become law.

Sincerely,

Edward E. C. Clebsch

Edward E. C. Clebsch, Ph. D.
Professor of Botany and Ecology
Rt. 1, Box 494
Greenback, TN 37742

Senator **Helms**. Thank you, sir.

I might say that I have a very strong environmentalist in my family, my son, who graduated from North Carolina State University with a degree in forestry. He would debate with you about the advantages of managed forests versus wilderness. He says that if you want to kill off wildlife, just let it go to wilderness. I would like to have him debate you sometime. He's a tough customer.

But I thank you very much.

Next, panel, Mrs. Vickery and so forth will come forward.

Standing in the dock will be Mr. Ted Snyder, Mr. Clyde Stansberry, John Smith, and Glenda Callicutt.

Mrs. Vickery.

Mrs. **Truell**. Senator Helms, I have to read Ms. Vickery's statement.

STATEMENT OF MILLIE VICKERY, AS PRESENTED BY WILLA MAE TRUELL

Mrs. **Truell** [reading]:

I support the Helms/East Bill. My name is Mrs. Vickery. I live at 211 Brown Avenue in Hazelwood, North Carolina:

Before the TVA condemned my land I lived in Possom Hollow, which is across the creek from Proctor School. My family had settled the area and had lived there since the early 1800s. There we were born, raised, worked, married and died. Most of my family are buried over there. My father, a Civil War veteran, and my sisters are buried in the Cable Cemetery.

When the TVA came to take the land they told me and my husband that a road would be built which would allow us to come back and move our house, if we wanted to. This would allow us to visit and to care for the graves of my family in the cemeteries. This was a promise which my husband and I believed. Neither my husband nor I signed anything which gave permission to others to make it impossible or very difficult for me to visit and care for these cemeteries. I want a road which will give me what was promised and what is fair.

I do not understand how the Government can go back on its promise just because some civic groups think it's a good idea. The civic groups say that times have changed. They say that a small strip of land by the cemeteries should be made into a wilderness because it is public interest that is more important than my rights and the rights of others. I do not believe this. In my opinion an honest government that people can depend on when promises are made is the greatest public interest that we have.

It says in the Bible, 'Thou shalt not lie.' If the Government goes back on its promise to me, I firmly believe that they have broken this Commandment. I know and the Government knows that I am a person with special rights to the cemeteries. I know and the Government knows that these needs need to be taken care of. The only way to do this right is to build a small road, even a Jeep road, which would allow me and my families to visit and take care of the graves.

The Park has done the best they could with what they have got, but it's not near enough. It frightens me to go across on the water. It is also very, very hard for me to climb the slopes that we have to climb if we follow the Park Service route.

That is why I am here today to ask you to do what is right for everyone, not just a special few who can afford the influence: Include the Jeep road that myself and many others are asking for, deserve and need.

Thank you very much.

Senator **Helms**. Thank you.

Mrs. Eleanor Rhinehart.

STATEMENT OF ELEANOR RHINEHART

Mrs. **Rhinehart**. Thank you.

I am Eleanor Rhinehart, and I am a displaced person from down at Proctor. First of all, I would like to say I am against the Great

Smoky Mountains going into wilderness at all, but next I support the Helms/East bill. They have provided for us access to our cemeteries. After all, we were promised access. The Sasser/Baker bill said we would have access according to appendix D of the general management plan. That access consists of us having to cross the lake, a 30- to a 45-minute ride; then having to ride in a Jeep without any seats in it for about 2 to 6 miles, and then sometimes walking an additional 3 miles.

We were promised a road. After all, this is our heritage we are talking about. I have five generations buried in one of the cemeteries that is across the lake. They mean a lot to us. I don't think that asking for a gravel-road access after 40 years is asking too much. After all, our people who have lived in there long before there was a Sierra Club and a Wilderness Act, and these people that think this is an adequate access, I wish they would go with us sometimes and just see how much access we do have.

We hope that the 44,000 acres will be kept out of wilderness so that people of North Carolina can have this area for recreation, horseback riding, visits to our homeplaces and cemeteries.

Tennessee has Cades Cove and drives to their cemeteries and also has a church where they can assemble. Why can't we?

Thank you.

Senator HELMS. Thank you very much.

Mrs. Woods.

STATEMENT OF LEEUNAH VANCE WOODS

Mrs. WOODS. Good afternoon.

First, I want to say that I am in favor of your bill. I am opposed to any wilderness, but under the choice of the two bills I do favor yours, especially since it does give us access to the cemeteries.

I want to tell you a little bit about this fantastic access, Senator Helms, we have to Fontana and to the cemeteries. The park, as has been said before, has done their best with what they have. It's very limited. Of course, you hear some of them today who have never set foot over there and have been on their own—but not with us to a decoration—tell you that it's so fantastic that we should be satisfied with what we have got.

This is what we have got: It started out with not horses and wagons, because I have pictures that I am going to submit to you in an couple of days to show you; it was mules and a wagon. On one of our trips the brakes broke. We ended up in a swamp that was nearly halfway up on the wagon. Many people were afraid to ride in this wagon, due to the jostling they would have to take, due to having a heart condition. In the road, sometimes you hit big boulders, rocks, deep holes. They go in the day before we are to come in and make the road ready as much as possible, as little as possible.

Well, then we advanced to a four-wheel-drive Jeep, which is a short CJ5 Jeep. Maybe some of them were seven's, but still you wouldn't know it by the room you had in it. They have two seats. The driver and two other people usually sit in the front. On the back is a spare tire; inside, metal. Metal against bodies is all the insulation that you have against riding over rocks, hitting holes, going through creeks.

I have been in a Jeep where in the back I counted seven adults cramped in and herded in like a bunch of animals, folded up. You are beat, you are bruised, you are sore the next day so you can't hardly walk. Now, what about the elderly people? This is impossible for them.

So we have advanced. Now they have advanced us to vans. On level ground the vans get stuck. They can't even be pushed out by all the men that we have around. They hooked a chain to the van to tow it out with the Jeep. The Jeep can't pull it out. This wasn't in the road. This was off to the side. Well, it was real good. It took all the men sitting on the hood of the Jeep and pushing behind to finally get it up in the road, and also when you ride these vans they are more comfortable and it beats walking, but you may be an hour late to decoration.

You may be packed in with 10 to 12 over the load limit in order to get everybody there. Again, you can't move. You sit on other people's laps. Now, this is adults, not children, who could easily sit on somebody else's lap. This is no fit way for anybody to have to go to a decoration.

We had one man cross the lake, climb out of his friend's boat, walk straight up the back into the road that lead up to the cemetery, and he collapsed. Thank goodness, we had a doctor and a nurse there. He died 2 months later due to a stroke or a heart attack.

One thing, and let me finish: I hear Tennessee and Cades Cove so much, and what people don't realize is who settled Cades Cove, TN, and the Proctor area. My fourth great grandfather fought with George Washington at the Battle of Trenton. His sons, and I repeat sons, settled Cades Cove and the Proctor area. If Cades Cove is so important, as it is stated in their history books, and the people of Cades Cove with eastern Tennessee heritage, why are their brothers lives, right across the mountain, who came here in the first of the 1800's, not equally important? They are the same families. And North Carolina is getting slighted on its heritage of western North Carolina.

Thank you.

[The prepared statement of Mrs. Woods follows:]

March 11, 1984

Senator Jesse Helms, Jr.

I am writing you to request to speak at the hearing in Bryson City, North Carolina on Friday, March 16, 1984.

The Fontana area means a great deal to me and my family. I have three children ages 15, 13, and 10. My Mother and Father were both born on Calico Street in Proctor, North Carolina. I have an uncle, great grandparents, great, great grandparents, great, great, great grandparents plus numerous cousins, great aunts and uncles buried in the 26 cemeteries across Fontana Lake.

I want my children to be able to take their children and grandchildren to see where their family lived for generations, and where they are buried. A belief in God and being able to go where your ancestors use to live is very important to everyone. To visit the graves and remember the hard times they probably had in the early years starting out, means a lot. When I myself, go to visit the cemeteries, I feel an unbelieveable, warm, wonderful feeling to be able to walk, stand, and worship where my family have for over 150 years. I want my children and grandchildren to be able to visit here for another 150 years.

One other thing that means a lot to me is that our son, Heath, was saved and became a Christian and he wanted to be baptized in Hazelcreek at the old baptizing hole where his grandmother and great grandparents were baptized years before him. Our pastor in Waynesville agreed with Heath's request and he was baptized in Hazelcreek in 1979 by his grandfather, Harry Wice, who is a Baptist minister. He was the first to be baptized here is nearly 40 years. It was a thrilling expericence. There was so much emotion for everyone there. For so many it brought back so many memories. I'll never forget it.

This area is important to many young people and children in this country. People seem to forget there were over 1,200 families which in 1943 consisted of over 7,000 people who moved out of this area. They scattered all over the United States and their families have grown also. Most of them now have grand children and great grandchildren. You cannot tell me that is not a lot of people. This area and these 26 cemeteries have been their heritage for many years.

We have all been taught in school all the way through, how important heritage is to each of us. We are taught U.S. history in school and are taught to be proud of our forefathers who fought for freedom for this country and all of us. We are taught to remember them, respect their memory and honor it. I've been to Washington's grave and seen Arlington cemetery where so many are remembered and honored and who graves are visited by their ancestors and immediate family members. Graves are marked and taken care of in our nation's captial and in cities and towns all over the United States. The Unknown Soldier is honored daily with guard changing and flowers. How can a county honor and place importance on the grave of an unknown soldier like that and then not want us to be able to honor and visit the graves of our ancestors, who also fought for their country and settled western North Carolina? It is not fair and it is unamerican! My 4th great grandfather fought with Gen. George Washington at the Battle of Trenton, during the American Revolution. Our family graves are just as important as President Washington's and should be treated so. Without his army, he could not have won the American Revolution and started this great country. All his soldiers were important, too.

My 4th great grandfather, who fought with Pres. Washington, had several children. Some of them settled in Cades Cove, Tennessee and some in Proctor, North Carolina, which is right across the mountain from each other. They traveled across the mountain, whether by horse back, wagon or walking, many times to visit one another.

I am against Senator Bakers bill and there are a few things I do not understand in his reasoning. I think you will see my meaning in a little while.

You can go into any library, book store or at the Sugarlands center and you will find many books on the history of Cades Cove and its people. The books tell how they settled eastern Tennessee and what an important part they are in eastern Tennessee heritage. I have several of the books myself and I agree with their importance. Tennessee and Mr. Baker are proud of this area and of the people that settled it. What I don't understand is, how can they not be proud of the Cable's, Myer's, Tipton's, Burchfield's, Spark's who settled across the mountain in western North Carolina and were brothers to the one's which settled in Cades Cove, Tennessee? Why is the state of North Carolina being slighted when it comes to our heritage? We are one of the United States also and our settling of western North Carolina is as important to the country as eatern Tennessee. Sen, Baker, Sen. Sasser as well as North Carolina's own Congressman Clarke seem not to, However, believe this is true. Proctor and area were settled in the early 1800's just as Cades Cove.

I would like to quote something from the book, "The Cades Cove Story", written by A. Randolph Shields and published by the Great Smoky Mountains Natural History Association.

"Who were these people who settled and prospered here, who build their homes and schools and churches, who raised their children and buried their loved ones in the cove? the families who opened up Cades Cove were pioneering families who found here a virgin, fertile valley and reaped bountiful harvest of their labors. They were typical of the true pioneers, subsisting and prospering by their own ingenuity. Another type people would later come to the Southern Appalachians ——————but the people who first pioneered, who found their greenest pastures here and stayed, these are the people of this Cades Cove story. They clung proudly to what they owned and they left their mark for the future."

Who were theses people of Cades Cove? They were brothers to the people of the Proctor area, who felt the same way about their land in North Carolina as those in Tennessee, yet now, everyone seems to forget how hard they worked to settle this area. They don't even want to allow their families to be albe to go back to the cemeteries where they are buried.

The cemeteries of their brothers in the same Great Smoky Mountain National Park on the Tessessee side are kept very clean, easily found, accessible by road, fenced in very nicely and each has a sign telling you the name of the cemetery. We, however, are suppose to be satisified with unmarked graves, fences falling, graves and markers damaged by lack of maintance and wild aminals, no fences around the majority of the cemeteries, no signs in any of the cemeteries to tell you which one you are visiting. Unless you visit the cemeteries on Decoration Sunday or give the park advanced written notice that you want to go to one of the cemeteries, you must cross the lake at your own expense and then walk from one mile up to fourteen miles, depending on which cemetery you plan to visit. So many times you may only be home for one day or maybe a weekend, and a visit to the cemetery and area is a spur of the moment decision and you cannot give the park advanced notice and really beside that, what family always wants a park official tagging along with you everytime you go visit your relatives in a cemetery. You may want to spend the whole day in the area, which is what most of us do when we go. At any time on the Tennessee side of the Park you may visit any cemetery easily but not the cemeteries of North Carolina. We cannot and will not every be satisfied with this type of access. We were not promised this type of access either.

Our grand parents believe d in their government and loved their country as well as their God. They believed the Bible and tried to live by it as best as they could. They believed in a mans word and most definately their governments word. When representatives of their government promised them a road back to their cemeteries, they really believed it would happen.

Their children also believed it and patiently waited for the road to be built. A lot of the older ones have since died but still they believed one day the road would be built. They instilled this belief and respect in their children and grandchildren, but due to the money being appoiated three times and failing to reach here and never getting any answers from anyone in Washington, they began to see that they may have to fight for their rights which had been misplaced for so many years.

It is terrible to realize that your country does not want to honor their written agreement with the people of their own country yet they make sure they honor agreements with other countries and stress to you and everyone the importance of doing so. To me, this is being very hypocritical. What happen to the saying, "Practice what you Preach"? How can Americans remain proud of a country who does not honor its agreemet with its own people?

We know that the original agreement called for a two lane paved road much like that on the south shore of Fontana. We do not want this either, even though by law we are entitled to it. We have agreed to compromise and only ask for a fire lane road to the cemeteries, something that would not damage the land that means so much to us. This is possible, very possible. We know for a fact that not many miles of road would have to be built in any new area if the lake shore trail were used as a fire lane road and widened. We have agreed to compromise but this does not seem to matter at all. People who have never been in the area and never been to the cemeteries want to say it is impossible and will damage the environment, which is not so. You, cannot, fly over an area and see for sure that something cannot be done, sepecailly, when it is covered by so many trees. You must walk the area to really see the real situation. I know Sen. Baker, Sasser and Congressman Clarke have never visited all the cemeteries. How can they be such authorities?

I would like to now tough on access. According to the newspapers and listening to a lot of politicians and environentalist, we have fantastic cemetery access. It is so fantastic though, they have never tried it but are real authorities, and are to be believed. We first decided to all form and ban together to try and get something done about the road, when we saw that our efforts seperately over the years were getting us no where. We wanted to go and visit all the cemeteries and see whee they were located before anything happened to the ones who knew where they were. We decided to start and have decorations at the cemeteries as they did when our families lived in this area. We began with the Cable Cemetery which has 160 graves. The original decoration was on the 4th Sunday of May, so we scheduled one 40 years late and everyone was excited. They had all wanted to go home again and never had a way.

When we first began in 1977, we furnished our own boat across the lake or hired one at Fontana. The boats made several trips back and forth across the lake to get everyone. Many times there were over 100 people that would come to the decorations.

Let me say this about decorations. I'm sure you are familiar with them yourself, but I would still like to explain our religion and belief. We believe in remembering your ancestors and the way we do this is once a year set aside a Sunday to pay your respects to the dead by taking flowers and laying them on the grave, having a short service in rememberance of them and giving thands to God for them and the lives they lived. It is also a time to respect the living and rejoice in being with the living members of your family and friends. It is a time for renewing acquaintances and sharing memories, funny, happy and sad. I think the majority of Americans all believe in this.

Back to access, at first we furnished our own boat transportation, then we had to walk from one mile up to 14 miles depending on which cemetery you were going to visit. The Park did furnish us with a mule drawn wagon which only held very few and could travel no faster that we could walk. One of the trips, the brakes broke on the wagon. We also took two or three motorcycles which belong to our group. Sone of the older ones who were not afraid of water and did cross the lake were afraid to ride in the wagon because of their heart condition and the jostling they would have to take riding in the wagon so they just walked, and it wasn't all on level ground. a lot of it was up hill. Some, that were able, could take a short cut and wade across Hazelcreek, instead of walking or riding the long way around.

We had one man to cross the lake in a friends boat, get out, climb straight up a steep bank to the main road, which was the only way to go, arrive at the edge of the road and collapse. We were just lucky that day to have a doctor and nurse on the trip with us. The Park employees took him back across the lake. He suffered either a stroke or heart attack and died approximately two months later as a result of the trip.

A CBS camera crew came up from Atla [illegible] once and went with us to Bone Valley cemetery to do a story about the cemeteries. Thad had to walk with us 9 miles from the lakes edge and back 9 miles. We had a coupleof horses along with the mule and wagon. They took turns with nearly 100 people walking, riding the horse and wagon with their heavy camera equipment. It is really an experience to travel this way. Ordinarlly a visit to most any cemetery only takes at the most a couple of hours for the entire trip from home, not for us, we must spend the entire day away from home to visit just one cemetery.

We appreciate what help the Park has been in helping us cross the lake and getting us to the cemeteries. They have done the best they can at this time, but it is not and never will be adequate access. Several of them must spend their Sunday's with us all daylong, instead of being with their families. When we have a fire lane road, they will have their weekends off, as they should, to spend with their families. Without the road, think of the money in salaries it will cost.

The access we now have is limiting in itself as to who can go visit the cemeteries and who cannot. Many people are afraid of water and will not cross the lake, therefore, they wait patiently on the other side until we all return lake in the afternoon or else just stay home to begin with. It is also hard to take small children on atrip like this. You have to always carry your lunch with you and carrying your child also is next to impossible. You usualy have a camera along with everything else.There is also a good chance of happening upon snakes and wild boars, which has happened to us.

How would you like to be put in the back of a jeep with no seats, only a spare tire for maybe two to share, two people ride in the front with the driver and I have seen and been with as many as 7 in the back of the jeep, then you are banged and bruised by being bounced around over the large rocks and holes that are in some of the roads? My Mother was riding in the back of just a jeep described, when it hit either a rock or a hole in the road and the back glass window, which was up and the tailgate down, fell and hit her in the top of the head. This accident affected her head and neck for several months. An accident like this could have killed someone or seriously injured them. We also now have a dump track to ride in but we also have hay bales to sit on. Cramped in one of these vechiles, you sometimes feel like an animal that has been packed in, and nearly foled up in some instances. It doesn't matter if you are 2 or 92 years old. It is for certain, you cannot wear Sunday dress clothes like your Grandparents did to decorations years ago.

How would you also like to be 6 miles from the lake shore with 150 people, eating lunch and have a rainstorm begin. There is no shelter and you are trying to eat your lunch with the rain bouncing out of your plate and hitting you in the face? Some were lucky to have a piece of plastic to put over their heads, or a garbage bag to put over them, a few did happen to have an umberella with them. The ones who weren't so fortunate just ate their lunch, rain water and all.

We also now have a couple of vans that take people to the cemeteries. This is a much nicer way to travel but many times the vans are way overloaded to try and get everyone to the cemeteries in time for the decoration at 12 noon, which doesn't always happen. The van load I was with one time, was over an hour late. The drivers do the best they can. To get to the decoration even an hour late, we had to pile in and many of us sit on each others lap and days, the vans have got stuck in level ground and could not be pushed out. You could see smoke just boiling in the pictures that were taken on that trip. The only way it was freed from the mud, was to push it until the jeep could reach it with a chain and then have several of the men push. The jeep by itself, could not free the van. One of the Parks jeeps turned over while checking the roads and getting everything ready for decoration for us the next day. This could have happeded the day of decoration, loaded with people, just as easily.

I do not understand how anyone can call this adequate transportation and think we should be satisfied. If they do, believe me, they have never been with us on our trips, I assure you. I would love to have them along but you never see them there, then maybe they would understand our situtation. As it stands now, they don't and I repeat Don't know what they are talking about. There is no way it is a safe way for children unless they are old enough to take care of themselves and as for the elderly, in some instances, impossible and always an unfair way to have to travel. We need the road and we are entitled to the road but most of all, we were promised the road. A road that is better maintained such as a fire lane road would be great.

Senator Helms, I really appreciate your help and also the stands you have taken on political issues. I really admire you. I hope you will be able to help us and I hope we can help you get your bill passed. This country needs more men who truly have morals and care about what is right and wrong and try to do what is right for the American people.

I would like to have all those opposed to the road to stop and think how they would feel if it was them and their parents that had to give up their home for over 150 years, their schools, churches etc and move away from the area knowing that they had been promised a road back to the cemeteries just as soon as the war (World War 11) was over and then later told NO ROAD. I'm wondering if they wouldn't possibly feel the same way we do. As far as I know, we are the only people in the United States to ever be treated this way and to have to go to so much trouble and work to visit one cemetery. Everyone else has proper access to their cemeteries, especially if it was promised.

One thing people need to realize also, if Senator Baker's bill passes, is that there are no guarantees that our cemeteries will be kept up and maintained no better than they are now and what is to stop them from letting us visit the cemeteries?

What I find really amusing is that it is possible, very possible, Senator Baker may be opposing his own kin. One of my great grandmothers was a Baker from the area.

We are so glad of your help. God bless you in everything you undertake to do.

Sincerely,

Leeunah Vance Woods (Lee)
200 Broad Street
Waynesville, N. C. 28786

Senator **Helms**. Thank you very much.
Mrs. Rhinehart.

STATEMENT OF BEULAH HALL RINEHART

Mrs. **Rhinehart**: My name is Beulah Hall Rhinehart, born in Swain County in 1927 in the Fontana area. I left there in February 1943 and moved to Haywood County where my mother's family was living.

The first thing I would like to note is that at this table now are five people who are descendants of Samuel Cable, my great, great, great grandfather, who came from the Cades Cove area to Hazel Creek in the 1830's.

The majority of my relatives are buried in the Cable Cemetery: a brother, sister, grandmother, two uncles, an aunt, a great aunt and many cousins; also relatives buried in the Payne Cemetery in Bone Valley, and a great grandfather named Fonzy Hall, who found the copper mine on Sugar Fork in 1883. The day after he found the mine—he thought he had found gold—Crate Hall, his brother, went to the mine and dug out some, and it was copper.

There was a 26-year lawsuit over this mine. If you go to read about this mine, you read John Parris' book, called. "The Pandora Box," where Fonzy Hall opened up the Pandora Box of the copper mine.

I went back my first time in 1978, and it took a lot of nerve for me to get on the motorboat to get across, because I am afraid of the water. I am like many others there who were afraid. I have a granddaughter 13-years old who would like to go with me but I don't feel I can be responsible for the safety of her across the lake and back.

I am in favor of Swain County receiving the money, and I still have relatives living there, but I would like to compensate them for the road my father and grandfather were promised. I feel that everyone with mountain roots that have ancestors buried in the north shore area have an emotional and religious feeling about these graves. Even the names and the expressions, epitaphs written on the stones, are a part of our heritage. We should protect and preserve them as a cherished part of our past. We do not want our cemeteries to go into wilderness.

In the Hall private cemetery Fonzy Hall's mother is buried in the little cemetery behind the Crate Hall's cabin that was left there, an historical marker. My father's grandfather had passed away without ever returning. My mother is now 77 years old and cannot go back. Only my sister, who is here today, and a brother are the only ones that have returned.

We do not have handicapped access. There is a man in the audience today who has an artificial leg and can only go to the cemeteries that the van can take him to, and then if there is a hill to that cemetery he cannot walk to it. I grew up with him at Fontana and we were neighbors. I think that out of the many cemeteries there he can only get to two of them.

Thank you.

[The prepared statement of Mrs. Rinehart follows:]

①

March 1984

Senator Jesse Helms
P.O. Box 2944
Hickory, N.C. 28601

Dear Senator Helms:

(Being a native of Swain County, and a resident of the Fontana area until the age of ~~thirteen~~ fourteen (14) (~~13~~) when with my family had to leave our home); I fully support the Helms & East Bill. (S. 2183).)

The first ancestor of mine that I have researched so far, came to the Hazel Creek area from Cades Cove in the late 1830s. His name was Samuel Cable, my Great-great-great-grandfather. He and his wife Elizabeth Clarissa Jones Cable could be buried in the Cable Cemetery in unmaked graves? My Great-great grandfather & Mother are buried in the Cable Cove cemetery on the Graham County side of Fontana Lake. My great grandfather & great grandmother Cable are buried in the Cable cemetery in Swain Co. Also buried there is my grandmother, Lou Creasy Ann Cable Hall, 1-aunt; 2-uncles; a sister, a brother; 4-1st cousins; 3-great aunts; and several other cousins, Halls & Cables.

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To my knowledge I have relatives, aunts 1st cousins, a great uncle and other Cousins buried in six of the other cemeteries which include Proctor, Bone Valley, Hall, Payne, Calhoun & Fairveiw. My Great ~~great~~ grandfather, Jacob Alphonso (Fonzy) Hall who was a Civil War Veteran is buried in the Bone Valley Cemetery, His mother, Narcissus Stillwell Hall is buried in the Private Hall Cemetery, above Bone Valley just behind the Crate Hall Cabin. There could be more buried in some of the other cemeteries that I do not know about in some of the unmarked graves.

The Little Fork copper mine at Sugar Fork was found by my Great grandfather (Fonzy) Hall in 1883 while visiting a brother Crate Hall, who lived at Bone Valley. If you want to check this, read "A Pandora's Box" page 341-344, in the book, "These Storied Mountains" by John Parris. Fonzy Hall was living in Jackson county at this time and later moved to Hazel Creek ~~before~~ after my Grandfather Golman Gilbert Hall was born in 1873 in Jackson County.

③

Golman Hall worked for the different
Lumber Companies in the area until
he was injured when a log rolled
over him and broke his hip &
left him crippled. My father Newton Hall
was born in Swain County in 1907. His
Mother died in 1916, and buried
in the Cable Cemetery. My father
Married Eva Arrington from Haywood
County who had moved there with
her family in 1924 for her father
to work with a lumber company.
I am the first child of that marriage,
(Beulah Mae Hall) born Oct. 9, 1927.
My grandfather Hall come to live
with my parents when I was four
year old in 1931. My father worked
for the Tennessee Coppel Co. on the
narrow guage train that hauled
the ore from the mines to the
main Southern track starting in 1926.
I had two brothers and 3 sisters.
One brother and one sister are buried
at Cable cemetery.

My family left the Fontana
area in early 1943. My grandfather

Hall moved with us to Haywood County. Daddy worked on at Fontana until late 1944 when the mine closed. Daddy was contacted about the graves to be remained there sometime in 1943, after my Mother left the area. It was very heart breaking for all of us to leave, not knowing when the road that was promised us would be built, so that we could go back to the gravesites of our loved ones we had left behind. Also all the friends and relatives that were moving to different places in N.C., Tenn. and other States farther away, and some of them we haven't seen since that time.

Grandfather passed away nine years after we moved, without ever being able to go back. He is buried at The T.V.A Cemetery at Lauada, in Swain County, as near to his family members as we could take him. (My father Newton Hall died at the age of 51 in 1958, with Emphysema due partially to copper dust on his lungs while working for 18 years at Fontana Mines, unloading or dumping the ore to bigger Cars.)

⑤

He was never able to go back to any of the cemeteries nor has my mother who is Now 77 years old. For the past four Years that the park Service has been providing transportation across the lake she will not get on a boat or the barge and cross the lake, even if she did she is unable to walk up the hills to get to the cemeteries.

My first time back was May 1978 to the Cable cemetery. It was one of the hardest things I have ever had to do, to make myself step into the motorboat and go across the lake, as I am afraid of the water. I ~~have~~ had almost drowned three time when I was young, once in the river and twice in Eagle Creek. I would go to the Cable Cove boat dock to go across the lake but just could not bring myself to get in the boat. I did this several times before I finally got in one of the boats. I am just one of many that are afraid.

There are some of the older residents of that area who also come to the boat dock and watch the boats & barges leave, but will not cross the lake. Some wait there all day for the others to come back from the cemeteries and tell them about the graves and what has happend to them.

I have a granddaughter who is 13. She ~~begs~~ begs me to take her with me, but I cannot take the risk of putting her life in jeopardy and to be responsible for her safety across the lake & back.

Since 1978 I have been to several of the different cemeteries and try to go to as many as I can each year. I still want to go to some that I haven't been to yet just to check for more missing relatives that may be buried there. I support the North Shore Cemetery Association, and am proud to be one of the Members

I am in favor of Swain County receiving the sum of $0, 9,500,000.00 as they need it, but not to compensate them for the road we were promised.

I do not want the area in Which our cemeteries to go into wilderness, and I think the officials of Swain County should consider what this would do to their county if it should happen. This would not only effect Swain County, but the whole western part of North Carolina.

I am a member of several genealogical societies, 1- Old Buncombe County (which includes Swain County, Graham, and (12) other counties in western North Carolina. I feel that everyone with Mountain roots that have ancestors buried in the north shore area have an emotional and religious feeling about these graves. Even the names and expression written on the stones are a part of our heritage. We should protect and preserve them as a cherished part of our past.

Sincerely,

Beulah Hall Rhinehart
105 Locust Dr.
Hazelwood, N.C. 28738

Senator **Helms**. Thank you, Mrs. Rhinehart.

Let me say to you, all of you, and all of the previous witnesses, that for some it may take a little extra courage to come up and testify. We see it all the time, but I want you to know that I have been deeply moved and Senator Wallop said the same thing.

Mr. McLean.

STATEMENT OF RUSSELL McLEAN

Mr. **McLean**. Thank you, sir.

I think attention needs to be brought to the number of people that are involved in this situation with the North Shore Cemetery Association. We have over 700 family's names on our list. Now, we are not talking about just people. That's the families, and there's a number of people within each family, so our list is over 700 at this time.

In addition, I have heard numerous people call this an undisturbed watershed. If you will direct your attention to this chart, you will notice that we have outlined what is known as the lakeshore trail. That is the trail which the Federal Government has already spent almost a million dollars improving and upgrading. They have already disturbed the watershed. What we are asking for will not disturb the watershed any further.

In addition, this map will indicate the connector roads which are already in place in these 44,000 acres and which are public road right-of-ways redeeded to the people of North Carolina in 1962 by the Department of the Interior. What we are proposing is a widening and upgrading only of the existing lake-shore trail, which is shown on this map.

In addition, that road will provide access, vehicular access, to each of these areas. It is only at its greatest point a 12-percent grade, so it is not a steep mountain road. It is just an expansion of the existing road that's there now.

The Forest Service or the Department of the Interior clear cut about a 15-foot right-of-way last summer with the help of residents from right here in Swain County, all the way from the tunnel out to Proctor. The road is there. We are just asking for it to be widened. Therefore, we would not be disturbing an undistrubed or previously undisturbed watershed.

The State of Tennessee has a 14-mile primitive access road on their side of the park, which provides access to the cemeteries in the Tennessee Park. These people should be entitled to the same freedoms that the people from Tennessee have received, and we would direct your attention to the fact that there is that access over there. I would ask that you look at the map to satisfy yourself in that regard.

Honest mountain people who have dealt with the Government in this case have been disillusioned. They believe that when the Government makes a promise it should be kept. Otherwise, why should the Government expect its people to honor its obligations in daily transactions, if the Government is not bound by the same standards that ordinary citizens are bound by?

Lack of governmental responsibility, failure of the Government to honor its obligations gave rise to this Nation, because independent people believed that when a government fails to meet its commitments and fails to honor its representations then that government is no longer worth tolerating or no longer worth respecting.

You, as representatives, must show that when the Government makes a commitment, that commitment will be honored. Otherwise, the actions that you take here will sow roots far deeper than the results that you envision. When a person cannot trust a government, there is no need for that government. While this may seem as rhetoric, it is the independence and fortitude of people, residents and former residents of Swain County that founded this country. Their attitudes and beliefs are the conerstone and foundation on which this Government was built, and I ask you not to disillusion them.

Thank you.

[The prepared statement of Mr. McLean follows:]

STATEMENT OF TESTIMONY - SWAIN COUNTY CONTROVERSY - HELMS' BILL

In 1943 the Tennessee Valley Authority undertook to develop the Fontana Project by construction of a hydro-generating facility along the Little Tennessee River. As a result of the project an area of 44,000 acres between the existing old Park boundary and the high-water mark of the reservoir would effectively be cut off by the flooding of the primary road into this area. Many towns and communities existed in this area at the time including Hazel Creek, Forney Creek, Proctor, Pinnacle, Judson, and Bushnell with viable businesses, theatres, churches, stores, schools, industry, mining and agriculture. The area had also originally been targeted for inclusion in the 1926 study which led to the creation of the Great Smoky Mountain National Park but was originally excluded because of the communities within this area. The project gave rise to interest by the Department of Interior of obtaining this property through condemnation by the TVA of the lands above the high-water mark to the old Park boundary as set forth in U.S. v. Welch. The Supreme Court determined that if the acquisition of this property was beneficial for the uses of the TVA Project and the preservation of the watershed, then this would be a permissible use and allow the TVA to condemn the

44,000 acres. The Supreme Court in 1946, knowing of the contract, rendered no opinion as to the validity of the transfer only as to whether or not the lands being condemned were appropriate for TVA purposes. The question of the agreement and the transfer were never considered by the Court at that time or never have determined the validity of the transfer and the 1943 contract as of this date. As a result of this authorization by the Court to allow the condemnation, the Tennessee Valley Authority, the State of North Carolina, the Department of Interior and Swain County entered into the July 30, 1943 contract which was to satisfy the TVA's obligation to replace Highway 288 to require the Department of Interior to build a road and to just and protect the rights of individual interests which were outstanding in this area.

The acquisition team which consisted of approximately 42 engineers went throughout the community and advised the residents and owners of the properties at their homes and in their churches that cemetery access would be provided by way of a road back into the area and it would be all right to transfer their property. Based on this representation these people began deeding their lands to the government. Shortly after the signing of the 1943 Agreement, a copy of which is attached to this statement, a form letter was circulated which specifically advised these people that a road would be built at the end of the War which would provide access back to their cemeteries. The residents relied on these letters and/or representations of the TVA agents, expected and have waited for forty years to have the road built.

Within the 44,000 acres are numerous roads, both public rights-of-ways reserved for the benefit of third parties, private roads which the cemetery association seeks to utilize to provide access into this area. The use of the North Shore trail expansion to the width of ten to twelve feet would provide the necessary means in which to gain the needed access to these cemeteries. It has already been upgraded with rights-of-ways cleared up to fifteen feet wide by the Jobs Corp Appropriation Bill of 1983. By use of the existing roads within the area and the maintenance of those roads and the expansion of the North Shore trail, the cemetery access which these people have been promised can be provided which would interfere with no wilderness activity and would provide a sensible resolution of this controversy.

The State of Tennessee has provided public road access to the cemeteries within the boundaries located in that State. There are approximately fourteen miles of access jeep road now available to those residents and the heirs of the relatives buried within the Park on the Tennessee side to go to their cemeteries for their decorations and for their cemetery activities.

Many people believe that the failure of the heirs of families buried within those cemeteries to bring a lawsuit or to forego their rights was brought about because of their lack of interest. This is not the case. For many, many years in the 1950's, 1960's and 1970's, activity took place which indicated to them that the long-promised road would finally be a reality. It was not until 1982 when James McClure Clarke was elected to Congress that the Park has taken the position as well as the Eleventh District Representative that this road would never be built and that a settlement must be hammered out.

Honest mountain people who have dealt with the government have been disillusioned. They believed that when the government makes a promise, it should be kept; otherwise, why should the government expect its people to honor their contracts and obligations in their daily transactions if the government is not bound to the same standard that the ordinary citizens are bound. Lack of governmental responsibility and failure of the government to honor its obligations gave rise to this nation because independent people believe that when a government fails to meet its commitments, fails to honor its representations that it is a government which no longer can be tolerated, which no longer could be respected. You as representatives must show that when the government makes a commitment that commitment will be honored; otherwise, the actions that you take will sew roots far deeper than the results which you envision. When a person cannot trust a government, there is no need for government. While this may seem as rhetoric it is the independence and fortitude of people like these present and former residents of Swain County that founded this country. Their attitudes and beliefs are the cornerstone and foundation on which this government was built and you should not disillusion them.

TENNESSEE VALLEY AUTHORITY

DAVID E. LILIENTHAL
CHAIRMAN
HARCOURT A. MORGAN
DIRECTOR
JAMES P. POPE
DIRECTOR

Maps and Surveys Division
Grave Removal Section
Bryson City, North Carolina

FOR VICTORY
BUY
UNITED STATES
WAR SAVINGS
BONDS-STAMPS

July 31, 1943

Mr. L. B. Cook
Marion,
North Carolina

Dear Mr. Cook:

The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, North Carolina, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended. We are informed that you are the nearest surviving relative of a deceased who is buried in this cemetery.

We have interviewed various relatives of the deceased who are buried in this cemetery and they have requested that the graves of their relatives remain undisturbed. We are enclosing a remain agreement for the grave of your relative and if it is your desire that this grave be left undisturbed, please sign, filling in where possible the items checked in red and return in the enclosed franked envelope, postage not required. If it is your desire that the grave of your relative be moved to some neighboring cemetery which is accessible by road, please write us and we will immediately send you the proper papers to sign and the Tennessee Valley Authority will move this grave without cost to you and reinter it in any cemetery of your choice located in Swain County, provided we can secure permission to bury in that cemetery.

Your immediate attention to this matter will be appreciated and if there is any additional information you desire concerning the above stated matter, please let us know.

Very truly yours,

TENNESSEE VALLEY AUTHORITY

H. H. Turner

H. H. Turner-Supv.
Grave Removal Section M. L. D.

HHT:CM
Enc.

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

HELEN VANCE; HENRY POSEY; GLENN ROGERS, LUTHER MYERS; ZENA FARLEY OLIVER; IVA M. TURNER; MILLIE VICKERY; JAMES C. MITCHELL; HELEN BIRCHFIELD; EVA ARRINGTON HALL; WILLA MAE TRULL; RUTH HICKS; ZULA CHRISTIE; JOE CABLE; EDNA HENRY; RUBY MARLOWE; DELLA BIRCHFIELD; MARY CABB YARBOROUGH SAM CABLE; BARBARA PILKINGTON; CARL TIPTON; DAVID WELCH; ROY WELCH; PAULINE BALL; THEODORE HERRON; NANCY PILKINGTON,

Plaintiffs,

vs.

TENNESSEE VALLEY AUTHORITY; DEPARTMENT OF INTERIOR, (UNITED STATES OF AMERICA); JAMES WATT, SECRETARY OF THE INTERIOR; SWAIN COUNTY and THE STATE OF NORTH CAROLINA,

Defendants.

CIVIL ACTION NO.
B-C-83-172

AFFIDAVIT

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

The undersigned JACK PRINCE, who being first duly sworn, deposes and says:

1. That I am presently 77 years of age and living in Fontana, North Carolina.

2. That from 1941 until February, 1943, I worked as a surveying engineer for the Tennessee Valley Authority in Bryson City, North Carolina.

3. That I was a junior engineer doing surveys on the lands proposed for purchase by TVA, and which were later to become part of the Great Smoky Mountains National Park.

4. That I was instructed, as were the 41 other members of my team, to tell the people in the community and in the areas we were surveying for purchase that they were not to worry as they would have access to the area to be purchased by way of the road that was to be built from Fontana to Bryson City. That we did, in fact, make such statements to these people in the area.

5. That I surveyed various cemeteries in this area to be purchased by the Tennessee Valley Authority.

6. Affiant further sayeth not.

Jack Prince
JACK PRINCE

Subscribed and sworn to before me this 14 day of September, 1983.

Teresa E. Kuykendall
Notary Public, State of N.C.

My Commission Expires:
August 7, 1985

Senator **Helms**. Mr. McLean, thank you.

Now, Mr. Snyder, Mr. Stansberry, Mr. Smith and Miss Glenda Callicutt, come forward, and in the dock will be Mr. Eugene Lowe, Mrs. Scott Hall, Dr. Sam Gray, Mary Christopher, and Jonathan Ed Taylor, if you will have seats.

Mr. Snyder, we welcome you, and I believe you are the lead man.

STATEMENT OF THEODORE A. SNYDER, JR.

Mr. **Snyder**. Thank you, Senator Helms. I have come to speak in support of S. 1947, and I have submitted reasons in my written statement. Let me expand on that.

Perhaps more than any other person outside the official government employees, I was responsible for engineering the compromise which is embodied in S. 1947. I initiated contacts with the people in Swain County 12 years ago. We have had discussions and meetings over that long period of years, hammering out the compromise which we now have in Senator Sasser and Senator Baker's bill.

We started those negotiations with two propositions on the table: One was that the environmental community, for which I was the spokesman, would not allow any road to be built along the north shore of Fontana Lake. That was the first proposition.

The second proposition was that the people of Swain County had a moral right to have some performance of the 1943 agreement. I say moral right, because they have no legal right. The contract clearly and plainly says that the road shall be built if and when Congress appropriates the money, and Congress has not seen fit to do so. If there was any legal right, you may be well assured that there would have been dozens of lawsuits to enforce it.

There has been only one lawsuit that I know of, that brought by Mr. McLean, the previous speaker, which Judge Jones threw out for failure to state a cause of action. And in throwing it out, he stated, "I think permanently to this panel that the people who have relatives buried in these cemeteries have no right to have road access to them," stating that he found that the Tennessee Valley Authority offered to remove those graves and had warned those people repeatedly that they would find access difficult, if not impossible, if they did not allow the graves to be removed. Those people declined to have that done, and they must now suffer the consequences of not having accepted their offer.

In summary, I say to you the compromise you have before you in S. 1947 is a solid compromise, and it is too late to be making major changes in it.

Thank you, sir.

[The prepared statement of Mr. Snyder follows:]

STATEMENT OF THEODORE A. SNYDER, JR.

I support and urge the Senate to pass S. 1947, intorduced by Senators Sasser and Baker.

The hearing today in Bryson City is a significant milestone in the progress toward Wilderness designation of the Great Smoky Mountains National Park.

For many years it has been a political fact of life that there would be no Smokies Wilderness designation until there was a resolution of the controversy of the 1943 North Shore road contract.

For at least twelve years I have been involved personally in seeking a solution to that problem. There have been innumerable meetings with the Swain County Commissioners, TVA officials, representatives of the State Government, and many others. All these many people have met over these years with a will and determination to settle the problem. While reaching a solution has not been easy, and while there has been hard bargaining, it was accomplished in an air of trust and confidence, without rancor and hard feelings.

S. 1947 now reflects the polished result of these years of labor by representatives of a great diversity of interests. As such, it represents a solid compromise, and one in which hundreds of myriad facits have been considered and to the extent they had merit, melded into the compromise.

A plan so thoroughly worked out should not be reopened now. We do not need to labor another ten years to fashion another such agreement, if indeed we could come up with anything different. Therefore, I say to you that the compromise embodied in S. 1947 is the best that can be fashioned. Do not tinker with it!

The pending bill does follow the usual procedure of authorizing an appropriation of the sum of money to be paid to Swain County as a substitute for the north shore road. This usual procedure is then followed by a separate appropriation bill. I support the incorpration into S. 1947 of appropriate language to have it make the appropriation directly. I take this position because Swain County has had too many offers made then pulled back at the last minute. The county is entitled to the assurance that the money will be forthcoming as soon as the bill is passed and signed into law.

The wilderness provisions of S. 1947 are as critical a part of the compromise as are the provisions for the relief of Swain County. It is essential that the wilderness area of 467,000 acres not be reduced.

The Great Smoky Mountains National Park is one of the preeminent natural reserves of the United States. Large size is a vital element of this great ecological system. Size allows the necessary interaction of species on a broad range, both laterally, and, given the sharp relief of the park, vertically as well. Moreover, many animal species require an extensive habitat. The Smokies Park is one of the few places where this requirement can be met.

The 44,000 acres along Forney and Hazel Creeks must be included in the Wilderness designation, without roads of any kind. Fortunately, the north shore of Fontana is isolated, and difficult of access. This creates a sector of the park where one can hike for more than a day without encountering either a roadhead or a crowd. This part of the Park offers the greatest wilderness qualities of it all, solitude, isolation, and a primitive environment away from the marks of man. Too much and too easy access is a destroyer of wilderness. The north shore territory of the Park is its prime wilderness, and must be preserves as it now is.

16 March 1984 Respectfully submitted,

Theodore A. Snyder Jr.

THEODORE A. SNYDER, JR.

Senator **Helms**. Thank you, Mr. Snyder.

I guess there is a distinction between a legal right and an equitable right. I think the record is also very clear about the commitment that the Federal Government made, your interpretation to the contrary notwithstanding.

We welcome you, Ms. Callicutt.

STATEMENT OF GLENDA CALLICUTT, PRESIDENT, NORTH CAROLINA ASSOCIATION OF EDUCATORS

Ms. **Callicutt**. My name is Glenda Callicutt, and I am a sixth grade teacher and president of the Swain County unit of the North Carolina Association of Educators, and I am a dreamer

I dream of adequate facilities to educate the students of Swain County. I dream of funds in order to expand all the quality programs, and I dream of funds to add new, exciting, and progressive programs. Great dreams can only be fulfilled when the cold, hard facts of reality are confronted

Lack of funds may be attributed to our small tax base as a source of revenue. This is due in part to the fact that the Federal Government owns so much of the land in Swain County and it is untaxable.

Educators and parents of Swain County feel that it is time for the longstanding 1943 agreement dispute to be settled. Quality education has long been hindered due to lack of funds for adequate facilities and progressive programs. Swain County's bond indebtedness, the result of the new high school, is such that new elementary schools are a very far away dream.

Payment by the Federal Government of this long overdue indebtedness will allow all citizens of Swain County to turn from the conflicts of the past and look toward a bright and promising future—not just for those of us here today, but for our sons and daughters of tomorrow.

The Swain County unit of NCAE sincerely appreciates your giving us the chance to provide input into this matter.

Senator **Helms**. Thank you very much; and I believe that winds up the panel.

If you will come forward, please, Mr. Lowe, Miss Whited, Dr. Gray, Mary Christopher, and Jonathan Ed Taylor. In the dock will be Sam Thomas, Helen Reed, Sheirl Thomas, Steve Fitzgerald, and Brian Lee.

Mr. Eugene Lowe. Which one is Mr. Lowe?

Mr. **Lowe**. I am he.

Senator **Helms**. You may proceed.

STATEMENT OF EUGENE W. LOWE

Mr. **Lowe**. I am Eugene Lowe, and I was born on the head of Noland's Creek, and I support your bill.

My daddy, owned 400 acres on the river just above Noland and 70-some acres on what is known as Peachtree Creek, and he sold his land on the river, and his land on Peachtree Creek was condemned and taken. And I think it's about time that the Government made good on its promise to the people of Swain County. It has been 40 years and there is still no road.

And I think our Governor, Mr. Hunt, made the statement, up here on Deep Creek, that it would be a disaster to build that road after he flew over it. He didn't even know what it was like. He didn't even know about the cemeteries or anything in there when he made that statement.

The people down there have people buried in there that would like to go back. It's hard to get back across on the barges, and they are expensive for the Government. On one trip last year, the big barge burned over 90 gallons of gasoline just taking people across.

We are all the time talking about these other governments, what they do and everything. It looks like our Government has let the people of Swain County down and the people from down in that section of the country.

Thank you.

Senator **WALLOP**. Thank you, Mr. Lowe.

Mrs. Whited.

STATEMENT OF JOY WHITED

Mrs. **WHITED**. The Hazel Creek—Proctor area is an important part of my heritage. Years ago when the Government stepped in and bought the land for the Fontana Dam to be built, they took 64 acres of my parents' land and gave them only a fraction of what the land was worth, and they had no choice but to accept it. The water has never reached one acre of that land.

They also gave them something that was far more important than the price of the land, and that was a promise of a road so that they could go back and visit their dead. The deceased people were an important part of our lives while living and were very much missed.

The road was started but never finished. So for the last 6 years they were able to go back almost 40 years after the people had left their homes. We look forward to going back each year, and judging from the number of people that go back, so do a lot of other people, the young and the old alike. The older people tell of things that happened at the time when they lived there, and for my children it is like a living history lesson.

For people like 70-year-old Gert Tipton who walked every step of the way, walked some 6 miles to put flowers on her husband's grave for the first time in 40 years, and Scott Hall, my dad, it is too late. They died last year, never knowing or never being able to see the road in there.

But for my mother and others, it's not too late. The Hall cabin that was built by my great grandfather, Crate Hall, it is partially still standing. The day that my daughters and I saw it for the first time was an important day in our lives, and we look forward to going back each year. The ones that go back each year laugh, talk, eat and have a wonderful time together. Many of us didn't even know each other's names, but we were linked together by the live of the people who were directly involved.

Please, if you have any feelings for the older Americans, give them the "Road to Nowhere." It was promised to them and it is due them. How would the people for the wilderness like to never go home again?

Thank you.

[The prepared statement of Mrs. Whited follows:]

507 Terrace Ave
Murphy, NC. 28906
March 9, 1984

Senator Jessie Helms
P.O. Box 2944
Hickory, NC. 28603

Dear Senator Helms:

I am writing you about the "Road to Nowhere". The Hazelcreek - Proctor area is part of my heritage - A very important Part.

Years ago when the goverment stepped in and bought the land for the Fontana Dam to be built, they gave the people only a function of what their land was worth and they had no choice but to except it. They also gave them something that was worth for more then the price of the land and that was a promise that they would have a road, so they could go back and visit their dead. The deceased were people who were an important part of their lives while living, and were very much missed.

The road was started but never finished. So until 7 years ago, 40 years after the people had left their homes and their dead, were they able to go back and visit the graves of their loved ones. For the past 7 years we have looked forward to going back each summer and juding from the number that go each time so do a lot of other people, the young and older ones alike. The older people tell of things that happened during the times they lived back there. It is like a living History book.

Up until last year Gert Tipton went every year. The first year she walked every step of the way in to put flowers on the grave of her husband for the 1st time in 40 years. The distance was approximately 6 miles and Gert Tipton's age was 70. Does this tell you anything how much people wants to go back to their cemeteries. Mrs Tipton died last year never seeing her dream of a road come true.

The Hall Cabin was built by my great grandfather. The fact that it is still standing is a miracle. I was thrilled to see it and for my children to see it. Two of my children have gone back enough times that they will never forget it, ~~But~~ my 3 1/2 year old will not remember it if we don't get to go back anymore. My Dad was Crate Hall's grandson and he has told us a lot of history about the area. To see him and other men and women who lived across Fontana Dam get together and talk about how things were "back then" is heartwarming - We have laughed and talked, ate together, and had some wonderful services together - Many of us didn't know each others name but we were linked together by our love for our families who this directly involved - My Dad died last year never seeing his dream of a road fulfilled. It 'it too late for Scott Hall and Gert Tipton but it is not too late for others.

Please, if you have any feeling for the older americans, give them their Dream, give them their "Road to Nowhere". It was promised to them and it is owed to them - How would you like to NEVER GO HOME AGAIN?

Sincerely,
Jay (Hall) Whited

Senator **Wallop**. Thank you very much, Mrs. Whited.

Mary Christopher.

Mr. **Thorn**. I am speaking for Mary Christopher. My name is Jamie Thorn. I was born on Hazel Creek, went to school in Hazel Creek, and I have been to your part of the country, too, and I would like to say it's very beautiful there.

Senator **Wallop**. Thank you.

STATEMENT OF JAMIE THORN

Mr. **Thorn**. And the wilderness is beautiful, too. I am for a certain amount of wilderness area where it can be conserved. I have been in Washington State for a lot of years in the logging business there, but there's a lot of waste going on there, because they can't get to the timber now because it is a wilderness area and they can't log it, so it stands and rots and blows down.

My grandfather is buried in the Hazel Creek area. A lot of my people are. My grandfather went there back in the 1800's. My great grandfather settled in there. He fought in the Civil War on both sides, in the Civil War. I have a lot of people buried there. I have been to that cemetery. In 1965 I went to it. I almost never got there. I fought the plum bushes and briers and stuff. When I did finally get there I found my grandfather and my grandmother, the graves ripped open, stones knocked over, bear tracks all over it.

And today I am not able, myself, to get to that cemetery, even with the provisions that they provide. I look like a healthy man but I am not, so I can't get there, myself. It's impossible. I can't walk a city block, and I wouldn't dare try the other way on account of a back condition.

My kids have never been there, and in the State of Washington, where I came from, there're hundreds of people that came from there, and some of them are back this year. They want to find out how they can get there to see their grandfather and grandmother's and great grandfathers' graves. I can't tell them anything except I can't go with them. It all just swings back to an old saying, you know, you can't go home no more. I can't, because my home is under the water, and that's time, because it moves on, but I would like to have a road back so I could drive while I am alive.

My mother wanted to be buried there. She died in December. There was no way to do it. I would like to be buried there, if they could get me there to bury me, and a lot of other people in this place would, too, if they could get back. But it all boils down to this, my explanation: "As long as the river should flow, as long as the sun shall shine, as long as the grass will grow, this Government will honor its treaty with somebody," and it hasn't done it.

Mr. Helms, I want to thank you for what you are doing, because it just takes one person to start a snowball rolling. If he stays behind it, it works; as Mr. Reagan says you do, it can be done. I appreciate everything you have done, and what I can do or anybody I know can do to help you on it, we are right here waiting on you.

Thank you.

Senator **Wallop**. Thank you very much.

Mr. Taylor.

STATEMENT OF JONATHAN ED TAYLOR, CHAIRMAN, TRIBAL COUNCIL, EASTERN BAND OF CHEROKEE INDIANS

Mr. TAYLOR. Thank you, Mr. Chairman.

I am honored to be givern this opportunity to come down and address this committee. I have worked for the last 11 weeks with the people in Senator Helms' office, also with Congressman Clark's office to see exactly what the wilderness bill—both the bills were.

I am opposed to any more land at all going into the wilderness area, and I think we have enough wilderness. Listening to testimony here today that I have heard—you see the people that want something that really belongs to them.

I have a written testimony that I have presented to the committee, and I would like at this time to ask that that be made a part of the record here today.

Senator WALLOP. It will be, Mr. Taylor. Thank you.

Mr. TAYLOR. Some of the things in the bill, if we are going to have to have a wilderness bill—I think we were going over the maps in Senator Helms' office—that he is sort of looking more toward the people in western North Carolina; not only in western North Carolina, but in Tennessee.

Also, Mr. Chairman, to try to preserve some of the things that you are hearing the people talk about here today, I don't think it's even human to ask people not to use their gravesites or visit their gravesites or even go and have people today buried in those same cemeteries.

The reason I am supporting this area, these graveyards to stay like they are, I would hate to have happen to the Swain County people what the Senator knows happened to us when they flooded the dam. They covered up some of our ancestor's graves. We fought that all the way up to the Supreme Court, but we were fighting a logging organization that I think was bigger than the Government, itself. It was the TVA. At the time we didn't get anywhere, but at least, Mr. Chairman, we let our thoughts be known of what was going on at that time.

Another thing we are supporting, even if there is no bill at all passed, if there is no wilderness bill at all passed, I think the Federal Government owes the citizens of Swain County the settlement that's been due them for the past 40 years.

The young lady was talking about the schools. Here in western North Carolina, Mr. Chairman, we feel that education is our only way out, especially on the reservation. I have talked to the Senator about it on several occasions. Poverty to me is lack of education. That's why we support all education bills, for not only the Cherokee people but the whole population of North Carolina. I think this is the way out, so the young lady was making good statements there.

We would like, if there's a bill passed, that there would be a mile-and-a-half buffer zone to the park lands. I noticed in the good Senator's bill just yesterday in Washington that they have a mile and in some places even up to 7 miles. That's what I am saying, that the bill that he is supposed to present is to take into consideration the people here in western North Carolina and Tennessee.

I know that you have a big schedule, Mr. Chairman, that's why I ask that this be put into the record. And we are also supporting the 44,000 acres that they are setting aside down on the lake frontage where the people of this community, and all of western North Carolina, can use for recreation sites. We have a lot of people that like to go camping, fishing and also use the Lake in the simmertime for the boats, but I was going over the wilderness area regulations, which I got from Mr. Helms' office—he just happened to have a copy when I was up there—and it says in underline that there will be no motorboats.

All of the people in Swain County have boats here in Swain county except me and Jim Myers. You tell them they are going to be unable to use their boats, and we will see a bunch of stuff break loose.

At this time, Mr. Chairman, again I would like to thank you and this committee for letting me appear before you, and I hope you all the success that you might get the witnesses to give you the information.

Thank you.

[The prepared statement of Mr. Taylor follows:]

TESTIMONY
OF THE
EASTERN BAND OF CHEROKEE INDIANS

Mr. Chairman, my name is Jonathan Ed Taylor. I am Chairman of the Tribal Council of the Eastern Band of Cherokee Indians. I am accompanied today by Mr. Robin Toineeta the Vice-Chief of our tribe.

We are pleased to have this opportunity to present our views and concerns about the proposed Wilderness designation in the Great Smoky Mountain National Park.

For background information, the Cherokee Indian Reservation consists of over 56,000 acres in Western North Carolina. The Reservation is located in four counties, Swain, Jackson, Graham and Cherokee with the greatest portion being in Swain and Jackson counties. The Great Smoky Mountain National Park forms the northern border of most of the Reservation. More than 6,000 of our enrolled Tribal members live on or near the Reservation.

The economy of the Cherokee Indian Reservation and southwestern North Carolina revolves around tourism. More than thirteen million tourists pass through Cherokee via U.S. Highway 441 on their visits to the Great Smoky Mountain National Park.

From this you can see the deep concern the Eastern Band of Cherokee Indians, and indeed all the people of southwestern North Carolina, has for the possible effects Wilderness designation may have upon our communities.

We feel that any further restriction of public use within the Great Smoky Mountain National Park could have a potentially devastating effect on our tourist economy. For this reason, we oppose any further designation of Wilderness in the Great Smoky Mountain National Park. However, we do support the $9.5 Million settlement between Swain County and the U.S. Government. This indebtness is approximately forty years old and should be settled now without further delay. We see no need for additional concessions from Swain County to the Federal Government to assure that the Federal Government fulfills its original agreement. If the original agreement is not feasible, adequate compensation should be made to Swain County for the Federal Government's breach of trust.

Because the decisions being made in Washington will have a continuing effect upon our lives and livelihoods, we sincerely hope that the following recommendations will be considered.

1. A one and one-half mile buffer strip within the Park should be establishment between the Reservation or privately owned lands and any designated Wilderness Area. This would effectively insulate the area from any accidential intrusions which would irritate relations between the Tribe, local residents, the Park, hikers, backpackers, and other tourists. Our rationale for this request is to insure that Wilderness enforcement will never be extended beyond the designated property lines of the Wilderness Area.

2. The 44,000 acre tract along the north shore of Fontana Lake should also be excluded from the Wilderness Area. This would permit continued use of the lake by local residents as well as visiting tourists without "potential legal" difficulties. The exemption of this area from Wilderness designation would meet the needs of the Swain County citizens who wish to visit family grave sites located in this area without introducing them to the problems of bureaucracy which would follow the enactment of Wilderness designation. We feel that all people should have the right to visit and care for the grave sites of their ancestors. Since this right was promised to these individuals before their removal, it should be honored.

3. We request that language be placed in the Bill(s) guaranteeing to the people of the Cherokee Indian Reservation and to the people of Western North Carolina that U.S. Highway 441 (the Newfound Gap Road) will never be closed "as a result of Wilderness designation". This request is of major importance because U.S. Highway 441, the only reasonable access between Tennessee and southwestern North Carolina, is the major route used by some 13,000,000 annual visitors to the Park, Gatlinburg, Bryson City, and Cherokee. It is a focal point of the scenic beauty of our mountains. Also, we request that the existing one lane road between Heintooga and Round Bottom on Straight Fork Creek be exempted from Wilderness designation and remain open as in the past. This road is well traveled in the summer months by many tourist and local residents. Closure of this road would have adverse effects on our tourist business.

4. We request that local residents of the Reservation and counties adjacent to the Park be allowed to continue to collect native herbs and plants in the Park. We also request that current fishing and camping privileges within the Park not be changed due to Wilderness desigination. These activities have been consistent enough for centuries to already be included in nature's balance, without regard to any legislation permitting or denying them.

5. We request a transfer or long term use permit for the tract of land which seperates the Big Cove Community from the main part of the Reservation (Floyd Enloe Bottoms) be issued to the Tribe as part of the proposed Bill(s). This would assure the Tribe unrestricted access to that part of the Reservation.

Mr. Chairman, we thank you for this opportunity to make our views known and we believe these ideas, if specifically included in the legislation, will assure equitable use of our natural resources by local residents and tourist alike.

Senator WALLOP. Thank you.

Senator HELMS. Ed Taylor, as you know, is Chairman of the tribal council. He is a Cree citizen. His people were Cree. He has worked with us, and we appreciate it. At one point he said, "If I do any more work for you," he said, "you'll have to put me on the payroll," so then we had to fire him.

It's good to see you.

Senator WALLOP. The next panel: Mr. Sam Thomas, Helen Reed, Sheirl Thomas, Steve Fitzgerald and Brian Lee. On deck will be Jim Cooper, Preston Brown, Darryl Russell, Thom Callebresie.

Mr. Thomas.

STATEMENT OF SAM THOMAS, PUBLIC LANDS COORDINATOR, NORTH CAROLINA CHAPTER, THE SIERRA CLUB

Mr. THOMAS. Mr. Chairman, members of the subcommittee, I am Sam Thomas, public lands coordinator of the North Carolina Chapter, Sierra Club, here to speak for our 5,400 North Carolina members on the Great Smoky Mountains Wilderness Act. The North Carolina Chapter of the Sierra Club supports this bill and commends Senator Baker and Senator Sasser for introducing it.

I am fortunate to have had the pleasure and benefit of covering large areas of this park on foot. Just last fall, I was in the Hazel Creek area and visited several of the north shore cemeteries. Having had these experiences, I am much pleased that the North Carolina Chapter lends its support to adding the Great Smoky Mountains wilderness lands to the National Wilderness Preservation System.

The North Carolina Chapter fully supports the inclusion of all type I areas as included in S. 1947. We wholeheartedly support the provisions in S. 1947 to settle the longstanding dispute over the 1943 agreement between Swain County and the Federal Government. We believe these provisions will provide a fair and equitable settlement.

We are very much opposed to the construction of a 15-mile four-wheel-drive vehicle road on the north shore of Fontana Lake. This is very rugged country and I see it as a barrier to any road construction.

As to providing cemetery access, we feel the existing park policy handles the situation very well. When I was there last fall, the cemeteries had a well-kept look and the access roads were in good condition.

My first overnight hike into the national park had a profound and lasting effect on my life. This happened 18 years ago. I vowed to myself that I would get into good physical condition and stay that way in order that I might see as much of the park as possible during this lifetime.

The diversity of plant life, the sparkling clear streams, the beautiful vistas with their sunsets and the sunrises and waves of mountains have provided me with wonderful memories. A rugged backpacking trip through all of this beauty purges the soul. A person can go back to the rat race with a renewed vigor.

There can be no greater gift to the citizens of the United States of America than to legislate the Great Smoky Mountains wilderness bill into reality during this 50th anniversary of the Smoky Mountains National Park.

Thank you for allowing me the privilege of speaking.

Senator **Wallop**. Thank you, Mr. Thomas.

Mrs. Reed.

STATEMENT OF HELEN T. REED

Mrs. **Reed**. I am Helen T. Reed of Buncombe County, and I first hiked the 30-mile stretch of the Appalachian Trail in the Smokies in June 1940 and did the 40-mile stretch the following year in 48 hours of beautiful solitude, before it was a mapped, little-visited wilderness.

I appreciate the Senate committee's willingness to make it convenient, for instance, for these immediate States to testify and I apologize if I repeat myself. It is a little hard to remember exactly what I said at the last similar hearing here by the Interior Department in 1967.

Mr. Hugo, then Secretary of the Interior, did end the proposal for building an enormously destructive road, a second highway through the park, which would have washed away half of it. The faces are different but the testimony on the wilderness cannot change. Wilderness continues to purify the air and the water, if acid rain doesn't get it. It breeds fish and other wildlife, and the greedy imported wild hogs. It furnishes relaxed relaxation, education, and health for millions of visitors and thereby provides a source of income for adjacent communities. The Park Service manages these area, keeping all values in mind.

Some things have changed for the better. I see bright young reporters here ready to write accurately. Last time the reporter was a member of a State board which was promoting the roads, so he wrote it up in detail, what five officials, including himself, had said and brushed off the testimony of 72 disinterested witnesses, as some environmentalist closed the road. I think we will no longer have such bias.

Far more amazing, today the conflicts of 40 years ago have been resolved in S. 1947 and its companion House bill 4362. In the great tradition of democracy, everyone has ceded a little after due and thoughtful consideration of months and years, and weeks ago everyone agreed to their provisions, Republicans and Democrats, Tennesseans, and North Carolinians, the Bryson City Aldermen, the Swain County Commissioners, State Boards concerned with Parks in both States and both Governors have publicly supported the two identical bills, House and Senate.

So why the hearing? Compromise has already been achieved. Why anything further?

Our Senator from the middle of the State again wants to cut the wilderness in this wilderness park by about 14 percent and build a road, and we no longer really need it since there is a road to Fontana Lake from Bryson City from the south, a several-lane highway, at the cost of nearly $1 million. Is this not the judgment of the people most affected by it? There already is a fine highway, as I said. There are billions of acres of eroding land all over the country, as well as some scenic highways on which to drive. Give us, the taxpaying people of North Carolina, Tennessee, and indeed, the entire United States our park as it was intended, a garden of the wild, accessible but not abused.

Senator **Wallop**. Thank you, Ms. Reed.

Ms. Thomas.

STATEMENT OF SHEIRL THOMAS

Ms. **Thomas**. I am Sheirl Thomas. I wish to speak in favor of the Smoky Mountains wilderness bill introduced by Senators Baker and Sasser and in the House by Congressman Clarke. These bills provide the kinds of protection that a national treasure like the Great Smoky Mountains truly deserves. the Smokies are now the finest mountain wilderness area east of the Rockies. Surely, we Easterners deserve to have such a jewel protected and preserved for future generations of Easterners, not to mention Carolinians and Tennesseans.

I oppose the building of the north shore road and the exclusion of this acreage from the wilderness as proposed by Senators Helms and East for two major reasons:

First, environmental. This road would not only cut off prime wilderness area near the lake but it runs an excellent chance of exposing the Anakeesta Formation. This formation of underlying soil and rock containing much iron pyrite decomposes when exposed to the weather to release sulphuric acid, which, in turn, would contribute to the acidification of Fontana Lake. This lake can't stand much of this sort of stress, as it is already showing signs of acid based on findings of the North Carolina Department of Natural Resources.

Second, inconvenience. I am not sure the good folks in this county would be so happy with the road once built. The proposed road would be a single-lane, rough road subject to the heavy rains and the problems of a road in this lovely up and down country. Mud, rock slides, ice, and snow and fallen trees cause many more problems than a smooth boat ride. Do all of the residents have the four-wheel vehicles which would probably be required to navigate this rough terrain? I suggest that handicapped folks will have a much easier time being carried by a short boat ride than over the rough mountain terrain.

Mrs. Woods' earlier comments regarding the difficulty of getting vans through mountain roads suggests that a long mountain road would have its pitfalls. I am what is called an environmentalist, but I am not inhuman as suggested here. I understand the concerns of folks who have felt cheated by past governmental unresponsiveness.

However, times have changed in 40 years and we face a different set of conditions today. The proposed road has been thrown in the same lot as love, motherhood, fatherhood, respect for the dead. Environmentalists are people and have all of the same feelings, but there is another issue here and that is, what is the best way to get these folks into those cemeteries? The road is not a good answer because of its destructiveness and inconvenience for these folks. I would recommend that the road not be built, but improved methods of transporting folks by lake be created.

Thank you.

Senator **Wallop**. Thank you, Ms. Thomas.

Are you Mr. Fitzgerald?

STATEMENT OF STEVE FITZGERALD

Mr. **Fitzgerald**. I am Steve Fitzgerald, I an a retired Marine Corps officer, and I appreciate this opportunity to be here today. I am a resident of western North Carolina, and I support the Baker/Sasser bill, S. 1947. As has been previously stated, this bill in my belief is fair to all. The citizens of Swain County and all who desire to utilize the Great Smoky Mountains National Park for recreational purposes. The construction and maintenance of an access road to the cemeteries is not only expensive but environmentally dangerous.

We have before us the opportunity to insure that our descendants will enjoy the views of nature in their natural state. I might add I am as old as the park will be this year. I am 50 years old this year.

Senator **Wallop**. Thank you, Mr. Fitzgerald.

Let me suggest to this panel, as I have to others, that you individually or together or in some way write me your thoughts as to why it is fair for the Government to go back on its promise to these people. Disregarding the concerns that you raised—I mean, I heard a statement say that the conflicts have been resolved. My ear doesn't tell me they have been resolved. That compromise has been cut without those folks in it, so I just want you to sit down and write some testimony, to submit it, as to how it can be considered fair that, for whatever reason, the Government is permitted to go back on a promise that it solemnly pledged to on letters and contracts and news releases and everything else. I just don't think that is the case but you may be able to persuade me.

I thank you very for your testimony and hope that you would take time to write such testimony.

Ms. **Thomas**. Senator, may I say that none of us said that it was fair. We simply said that time flows forward, and a lot of us have been gyped by Government on eminent domain for highways we didn't want. There are unfair elements, and we feel that people should be granted restitution.

Senator **Wallop**. I'm sorry. I just wish to challenge you on that. The statement is in Mrs. Thomas's testimony "We believe this would provide a fair and equitable solution or settlement."

I want somebody to tell me why it is fair and equitable. It may be that it will end up being done, but I would like somebody to say why it is fair and equitable.

The next panel is Mr. Jim Cooper, Mr. Preston Brown, Mr. Darryl Russell, and Mr. Tom Callebresie. On deck is Grady Garrett, Bob Grindel, Frank Parton, and Jim Myers, Sr., and Jim Myers, Jr.

Mr. Brown.

STATEMENT OF PRESTON BROWN

Mr. **Brown**. Thank you.

My name is Preston Brown and I am here as a private citizen, a resident of Transylvania County in western North Carolina for 9 years. I appreciate the opportunity to have you hear my views and concerns over this issue.

I endorse the bill offered by Senators Baker and Sasser, S. 1947. I think it represents the solution to a longstanding problem. It provides the necessary protection to the Great Smoky Mountains National Park and it provides for a settlement to Swain County. The Swain County Commissioners and the Bryson City Council have endorsed this bill, and I urge its passage.

I oppose S. 2183, the alternative bill offered in very good faith by Senator Helms and Senator East. I think it represents an end run around it compromise already agreed to by the overwhelming majority of interested parties. I am concerned about it and I oppose it for two fundamental reasons.

First, I am opposed to construction of a new road. It will be environmentally damaging, and it would further jeopardize the water quality of Fontana Lake, and I fear for the safety of individuals attempting to use such a primitive road. Visitors to the grave sites are now escorted in four wheel drive vehicles whenever necessary, and their safety is assured by the Park Service. I fear possible consequences for elderly individuals who visit these graves over such a primitive road.

The second reason I oppose the bill offered by Senator Helms is that the north shore area is one of the most sensitive areas of the park. It is the watershed for Fontana Lake, I believe in its wilderness designation.

Now, I would like to address some points made by previous speakers, especially the point raised by Congressman Hendon concerning access to and use of Fontana Lake. Senator Baker's bill would not affect the present use of Fontana. The bill creating the wilderness preservation system would not affect the use of Fontana, either. There is no threat to use of Fontana from either of these bills.

A second comment I would respond to was that the proposed road will be even more primitive than some of the existing roads on the north shore. Senator Wallop, I was curious about the difficulties my fellow North Carolinians were overcoming to visit the grave sites. The Park Service allowed several people, including myself, to visit the cemeteries. We used the barge and we were driven over some of the existing primitive roads to see the cemeteries. If the proposed road will be more primitive than any of those roads, as Congressman Hendon said it would, I fear for the safety of those using it. I don't know of a vehicle capable of driving those roads. The barge ride was the most comfortable and the safest part of my trip to those graves.

I am concerned for the rights of fellow North Carolinians. It would be wonderful if we could all live together without the need for compromising anyone's needs or desires. I am sorry for the difficulty that visitors to these graves have to endure.

I am also sorry for the Cherokee Indians who were driven from these western mountains and replaced by us. Many wrongs have been done. I don't think it does any of us good to dwell on these wrongs. Rather, we should begin to live together in peace and harmony. I believe the Baker/Sasser bill gives us the best opportunity to do that.

Senator Wallop, I do appreciate your holding this hearing. I appreciate the opportunity to come here today and express my support for Senate bill S. 1947.

I thank you.

Senator **WALLOP**. Thank you, Mr. Brown.

Mr. Russell.

STATEMENT OF DARRYL RUSSELL

Mr. **DARRYL RUSSELL**. I am Darryl Russell, a very happy citizen of western North Carolina, but I am appalled at the past irresponsibilities of the U.S. Government in their unresolved debt to the residents of Swain County. This must be rectified without delay. There has been emphasis here today on economics. I offer my example as a partial solution.

I came to western North Carolina because of the park's beauty and quite peace. I am only one of many who are attracted by the park. I brought my business here and I hope to stay for the rest of my life. To improve this unemployment problem we need more businesses without infringing on the attractiveness of the wilderness. Wilderness must be preserved for future generations. My preference would be no auto traffic in the park.

However, as a trained and experienced mediator, I recognize the necessity of compromise. Senate bill 1947 represents this compromise. Let's expend our energies to improve the quality of the park and pay our debt to the good citizens of Swain County by passing the Baker/Sasser bill.

Senator **WALLOP**. Thank you, Mr. Russell.

Mr. Callebresie.

STATEMENT OF THOM CALLEBRESIE

Mr. **CALLEBRESIE**. My name is Thom Callebresie. I also recently moved to North Carolina, but I am proud to be opposed to the building of that north shore road and the exclusion of the same region from the wilderness. Being new to this area, I am totally in awe of the beauty and majesty of the Smokies. This is something I have not yet learned to take for granted and hope I never will.

Growing up in urban New Jersey I was amazed the the stories my father told me of his youth where there were actually farms and unpolluted streams and lots of space and peace. People felt there was planty of land and space for development. I am sure no one who lived then and was indifferent about it could have believed that it would have become the densest county in the country. The Jersey City of my youth was row upon row of houses so close you could hear your neighbor flush his toilet. The closest I ever came to the country was a beat-up old barn bordered by a huge junkyard, and I believed that walnuts came in cellophane bags sold at the supermarket and not from trees.

Talking of this may seem a little extreme, but there is a lesson here. Once you pass the barrier of cutting down on wilderness or altering it for any reason, it sets a precedent to be constantly referred to and given as an example, kind of like the old saying, "Give an inch, take a foot." There is always a good reason to do it. But I feel there is a better reason not to.

People here have referred time and again that they don't want more wilderness or see a need. Being from a place that really was urban, I disagree, and I think that what I have experienced in my life with how these get developed to death, there might be a valid point there.

My children are young, and I hope that when they have children and want to talk about how beautiful the Smokies are, they can all go there together and enjoy it. I hereby urge that you support S. 1947 and H.R. 4262 and not set the precedent.

Thank you.

Senator **Wallop**. Thank you, Mr. Callebresie.

Let me just observe that the Park Service has not been known for the degradation of the lands that are entrusted to it. I do not believe that under any set of circumstances, with or without this, you will find the Great Smoky Mountains National Park looking like the land you described of your heritage. There are some things that are certainly evident and some I actually believe that the National Park designation is a greater protection than a wilderness area.

I am less concerned for the protection of that area than I am for trying to do what is right. I am not certain what is right, but there is a long history that has been laid out here that cannot be ignored.

We have already had many people testifying that the obligation of the park, indeed to this country, not only was to build the road but there also was an obligation to provide those people access and maintenance of those sites, which is of and by itself imcompatible with wilderness designation.

I see heads shaking. I just would tell you that the Wilderness Act does not permit graveyards and roads and vehicular transport on it. So we have to find some way of either ignoring that provision by setting it aside, if we can, as we have in some areas in the country, or making accommodation of it, but the threat is not an environmental threat in terms of a National Park.

I thank you all for your testimony here this morning.

The next panel—or this afternoon—Grady Garrett, Bob Grindle, Frank Parton, and Jim Myers, Sr., and Jim Myers, Jr. On deck is Mr. James Causby, Dr. Robert Eldridge, and Michael Clapsaddle. And I will go on: Rollon Smith and Jim Park are also on deck.

Mr. Garrett.

STATEMENT OF GRADY GARRETT

Mr. **Garrett**. My name is Grady Garrett. I am from Cherokee County right now. I was born and raised in the north shore area, and I want to make a statement. One thing, that I have drove and lived on these primitive roads that we have been discussing here this afternoon all of my life. In fact, at one time, 1 year in my school, my high school, I left my home and walked from 3:30 in the morning till 7 o'clock to catch a bus and ride to school to be on time at 8:30. I got home that night well around 10:30, and a lot of times it was 11 o'clock by the time I got home, and this is 1 year of my high school.

So I'm talking about primitive roads that we are discussing here, and the potholes and the big rocks and the landslides and everything that's in these roads we are well accustomed to.

And I support the Helms/East bill for the simple reason all of my people, my great people, are buried in the Fontana-Proctor area.

Now, if you go back and you look at the National Park as it was at the time that we saw it come in here, then you would realize that these people were absolutely and positively taken away from their land, and it was turned into this so-called wilderness area. We do not believe in so much wilderness as a heritage that we have had all our lives. So, therefore, if you are going to build any kind of a road into this wilderness area, you will find all these people are very well-acquainted with the primitive roads that you are speaking of, and I don't think that there is any rock that's been big enough to keep me from going on those primitive roads.

I thank you, sir, for your time, and I'll support the Helms/East bill. I think we should have that road.

Senator WALLOP. Thank you, Mr. Garrett.

Mr. Grindle.

STATEMENT OF BOB GRINDLE

Mr. GRINDLE. I am Bob Grindle from the Wesser Creek community here in Swain County. I am not an original Swain County resident. I moved here after I retired from the military.

I support the Helms/East bill. I think that our commissioners were misinformed when they made their decision to support the Sasser bill in that they did not get out in the community and see how the residents of this county really felt about this issue. They made a choice, the people. I think you have heard enough today to realize that I think the majority of the people are not for the Baker/Sasser bill.

I personally am against all—any more wilderness in this area. As it has been stated before, 80 some percent of this county is either in park or controlled by the Government now. We don't have much of a tax base, and we sure don't need the people of Tennessee coming over here wanting to take more of our land. If they want wilderness, let them go to Tennessee and make that wilderness.

I would also like to say that certainly the people who very ancestors buried over there on the north shore of that lake in those cemeteries, our Government made a promise to them, and we should live up to that promise and we should build them that road. They are entitled to it. That's all I have to say.

Thank you very much.

[The prepared statement of Mr. Grindle follows:]

Gentleman

I am Bob Grindle from the Wesser Creek Community here in Swain County. I support Sen. Helms and Easts Bill S.2183. I am against any more Wilderness period. If the people of Tenn. want wilderness fine. But let them put it in the State of Tenn. not in North Carolina. I feel our local Commissioners acted without the true feeling of their constituants when they agreed to support the Baker/Sasser Bill. It's time for a just setlement and Sen Helms Bill is the only fair choice we in Swain County really have. It is the only bill that is fair to the people who are intitled to visit the cemeterys in which their ansistors are buried. I would like to close by thanking you and Senator Helms for coming to hear the views of the citizens of Swain & Graham Countys in this matter. At last the people have been heard. Thank you

Senator WALLOP. Thank you, Mr. Grindle.

Mr. Parton is not here.

Mr. Myers, Sr.

STATEMENT OF JIM P. MYERS, SR.

Mr. MYERS, SR. Mr. Chairman, my name is James P. Myers, Sr. I am a native of Swain County, born in Fontana at the mouth of Eagle Creek about 1 mile from the site of Fontana Dam. Where I was born it is now under 500 feet of water.

I feel that I am familiar with the area on the north side of Fontana Lake because I have lived here all of my life, and I am a former member of the North Carolina National Park, Parkway and Forests Development Council. I was on the ad hoc committee that Mr. Felmet mentioned earlier in the testimony.

I am opposed to any further land in the Great Smoky Mountains National Park being designated as wilderness. I am in agreement with many people of this county or the majority of the people of this county that the U.S. Government should live up to its agreement to build a road on the north side of Fontana Lake to replace the old road, No. 288.

Several proposals have been made by the Park Service and the Department of the Interior as alternatives to this road, such as the Transmountain Road from Bryson City to Townsend, TN, and the extension of the Blue Ridge Parkway from Cherokee to Bryson City, and I might say that I attended meetings in Washington with Senators and Congressmen on both of these proposals, and in each case the Park Service and the Department of Interior reneged on their proposals. Because of these prior events it is very difficult for me to believe anything that they might propose.

In regard to the bills now pending before the House and Senate, I am familiar with the Helms and the East bill. My reason for supporting this bill is that it excludes the 44,000 acres of land on the north shore of Fontana Lake from being designated as wilderness. It also provides for a cash settlement to Swain County in the amount of $9.5 million. It also provides for a primitive type road to the cemeteries on the north shore, and I feel that the people who have loved ones buried in these cemeteries should have adequate access to those cemeteries.

I thank you for having the opportunity to appear and testify before you.

Senator WALLOP. Thank you, Mr. Myers.

Mr. Myers, Jr.

STATEMENT OF JIM P. MYERS, JR.

Mr. MYERS, JR. Mr. Chairman, my name is James P. Myers, Jr. I am a lifelong resident of western North Carolina and a private businessman. I am pleased to have this opportunity to present my views and concerns with the proposed wilderness designation in the Great Smoky Mountains National Park and speak in favor of the Helms/East bill.

My businesses are located on the Cherokee Indian Reservation and are extremely dependent upon tourism. More than 13 million tourists pass through Cherokee via U.S. Highway 441 on their visits to the Great Smoky Mountains National Park annually.

The tourist season in Cherokee is extremely short with peak business during the months of June, July, and August. It is a high priority of the Eastern Band of the Cherokee Indians and private businesses on the reservation to eventually extend our tourist season to 12 months a year.

For this reason you can see my concerns, as well as those of other businessmen in the area communities, about the wilderness designation in the Great Smoky Mountains National Park. I feel that any further restriction of public use in the Great Smoky Mountains National Park would have an irreversible effect upon the local economy, as well as upsetting our goal of a year-round tourist industry in Cherokee.

I'm opposed to any wilderness designation in the Great Smoky Mountains National Park for fear that eventually U.S. Highway 441 between Cherokee, NC, and Gatlinburg, TN, would be closed. If this ever happens southwestern North Carolina would be doomed to economic disaster. I request that written documentation be placed in the bill guaranteeing that U.S. Highway 441 will never be closed under any circumstances.

Also, in reviewing the master plan of the Great Smoky Mountains National Park, it seems that a tremendous amount of land on the Tennessee side of the park is left out of wilderness designation and is classified as either Natural Environment Type II or Landscape Management Areas. For this reason I feel North Carolina is being discriminated against.

However, I fully support settlement of the 1943 agreement between Swain County and the U.S. Government. This debt is 40 years old and should be settled immediately, with no further strings attached. I feel that the people of Swain County fulfilled their part of the bargain in 1943 when they were removed from their homesteads. Forty years of displacement without settlement on the part of the Federal Government seems sufficient.

Regarding the possible buffer strip surrounding the wilderness area, I feel that any such buffer strip should be inside the boundaries of the park. There is enough Government regulation of private and Indian lands already. Any regulated buffer strip should be on land now under Government authority and not on private or trust lands.

The 44,000-acre tract along Fontana Lake's north shore should also be excluded from wilderness designation. I foresee tremendous potential for future conflict and problems with those people wishing to go visit their ancestors' graves in this area. It requires little more imagination to anticipate prohibition of boating, fishing, and other activities on the lake, itself, if this acreage is included as a wilderness. I also support the construction of a primitive access road along the north shore of Fontana Lake so the families with ancestors buried in cemeteries located in this area will have an adequate access.

Mr. Chairman, I thank you for this opportunity to make my views and concerns known and hope they will be considered in the formulation of any legislation affecting this area.

Senator **Wallop**. Thank you, Mr. Myers, and thank you all on the panel.

Mr. Causby, Dr. Eldridge, Mr. Clapsaddle, Mr. Smith and Mr. Park, and on deck will be Manley Fuller, William Crisp, Bob Hazel, Roger Smith and Ray Payne.

Mr. Causby.

STATEMENT OF JAMES F. CAUSBY, SUPERINTENDENT OF SCHOOLS, SWAIN COUNTY, NC

Mr. **Causby**. Thank you, Senator Wallop.

I am James Causby, presently superintendent of schools in Swain County.

I am not a native of Swain County but when I was about 2 years old my mother met a fellow from Swain County who was, my stepfather, who happened to be from the Proctor area and was displaced from that area in 1943 when the Fontana Lake was flooded, so I do have some ties to it, although they are not ties by birthright.

The several different bills that have been offered to settle the longstanding north shore road controversy have several features that are of extreme importance to Swain County and to the Swain County Schools. As superintendent of schools, these are issues to which I will speak. There are several points of the bill which I will not address because of that position.

This entire situation has gone on much too long. Many things that need to be addressed in our county and in our school system have been continually put off with the reason being given that "We will do that when we settle the road issue." Forty-one years have elapsed and the issue is still not settled.

School facilities in Swain County are in bad repair with many needing renovation or replacement. Funds to do this work are not available in Swain County due to the small tax base—a direct result of Federal ownership of property. A bond issue for school facilities is not possible due to the present bond indebtedness which was used to build Swain County High School. That bond indebtedness might not have been necessary if county funds had not have had to be used to make bond payments on county-built roads which are now covered by Fontana Lake.

The presence of an adequate tax base and the absence of bond payments over the past 41 years would have made a dramatic difference in the ability of Swain County to adequately finance school facilities.

These same factors have caused our county government to be unable to fund the education of our young people as fully as would be desired. The funding for capital outlay, reduced class size, additional personnel to help individualized instruction, additional programs for exceptional children, just to mention a few, have not been available and have thus left unmet needs for our students.

The settlement of this issue is vital to Swain County and the Swain County schools. Without it our people simply cannot handle the extra taxation that will be necessary to meet the needs of our population.

The $9.5 million cash payment to the county is most appropriate, as is the foregiveness of the Farmers Home Administration loan on Swain County High School. There seems to be a great deal of agreement that this action should occur.

There are other areas of the bills that cuase many emotional reactions and cause our citizens to be divided. I encourage this subcommittee to approach this problem with a realization that all these positions are valid and should be addressed. Surely a solution can be reached that will provide for the optimum satisfaction of all concerned.

We must not allow our differences to destroy this settlement. The overall issue is too big and too important to Swain County, and especially to our young people, to allow a settlement to be lost. I ask that this subcommittee be the voice of reason in this.

Senator WALLOP. Thank you, Mr. Causby.

Dr. Eldridge.

STATEMENT OF DR. ROBERT ELDRIDGE, CHAIRMAN, BRYSON CITY ELEMENTARY SCHOOL ADVISORY BOARD

Dr. ELDRIDGE. Yes, Senator Wallop, I appreciate the opportunity to come here and speak today. I am a citizen of Swain County, have been a citizen for 9 years. I have three children which will be educated in Swain County School System and I am a resident dentist here.

I have been asked as chairman of the Bryson City Elementary School Advisory Board to speak on behalf of that board at this hearing to express our concern over the settlement of the Fontana Road agreement. As a relatively new citizen of 9 years in Swain County, I perhaps don't have the firsthand experience of the impact of the development of the Smoky Mountains National Park and Fontana Lake on my immediate family.

However, being a nonnative of Swain County I feel perhaps I can render a slightly different perspective as a person who has grown to respect and admire the people of this country in their independence and straightforward way of living.

As a health professional I have come in contact on a daily basis for the past 9 years with Swain County people and continue to be impressed with their ability to achieve a good standard of living despite difficulties in employment, education, and geographical barriers. They are a people who have struggled and, in so doing, have impressed on those around them the sturdiness of their character and the ability to overcome difficult situations.

Among the most difficult of these situations has been their desire to adequtely educate their children in the best possible fashion against the odds of a severely compromised tax base which financially strangles the educational system of this county, the tax base being so severely compromised by the encompassment of a great majority of Swain County lands by the Smoky Mountain Park, Fontana Lake, and the Cherokee Indian Reservation, all of which provide very little tax income in relation to what they might in private use.

As we all know, property tax is the name of the game in education today. Despite these obstacles, I have not seen a more positively motivated, well-educated staff of professional teachers with the genuine concern of all the children in their minds in the several larger school systems I have seen in the past. I believe the quality of our school system against the difficult financial odds placed on us by the Federal Government is a direct result of the stamina and character of the people of Swain County. I believe that our school system, particularly Bryson City Elementary, is at a crossroads. We can no longer provide an adequate education for our children due to the fact that construction and facilities costs, as well as the cost of paying good, well-educated teachers, have outstripped our ability to pay, despite a desire to provide these services. This problem has been brought on primarily by the small tax base of our county and the large property ownership of the Federal Government.

Now that we have come to the possibility of a settlement of the Fontana road issue in which Swain County has definitely not been treated fairly, I see, as does the rest of our committee and the community as a whole, that the educational system needs this benefit to our country and we need to achieve a fair and equitable settlement.

I would, therefore, urge you to push for the $9.5 million payment to Swain County and retirement of the high school debt to allow our county to progress and to move forward, particularly in the field of education.

I also urge you not to allow other important issues to deter you from the path of providing the means for the financial survival of this county.

In short, I would like to say that we as individuals and that the Federal Government should get our heads together and compromise on this issue and try to settle this to the satisfaction of all of us involved and to provide the financial assistance to Swain county.

[The prepared statement of Dr. Eldridge follows:]

Robert S. Eldridge, D.D.S.
P.O. BOX 517
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TELEPHONE (704) 488-2211

Dear Mr. Helms, Mr. East and Committee Members:

I have been asked as Chairman of the Bryson City Elementary School Advisory Board to speak on behalf of the elementary school at this hearing to express our concern over the settlement of the Fontana Road agreement. As a relatively new citizen of 9 years in Swain County, I perhaps do not have the first hand experience of the impact the development of the Smoky Mountains National Park and the Fontana Lake on my immediate family. However, being a non-native of Swain County I feel perhaps I can render a slightly different perspective as a person who has grown to respect and admire the people of this county in their independence and straight forward ways of living. As a health professional I have come in contact on a daily basis for the past nine years with Swain County people, and continue to be impressed with their ability to achieve a good standard of living despite difficulties in employment, education and geographical barriers. They are a people who have struggled, and in so doing have impressed on those around them the sturdiness of their character and ability to overcome difficult situations.

Among the most difficult of these situations has been their desire to adequately educate their children in the best possible fashion against the odds of a severly compromised tax base which financially strangles the educational system of this county. The tax base being so severly compromised by the encompassment of a great majority of Swain County lands by the Smoky Mountain National Park, Fontana Lake and the Cherokee Indian Reservation. All of which provide very little property tax income in relation to what they might in private use, and as we all know property tax is the name of the game in education today. Despite these obstacles I have not seen a more positively motivated, well educated staff of professional teachers with the genuine concern of all the children in their minds in the several larger school systems I have seen in the past. I believe the quality of our school system against the difficult financial odds placed on us by the federal government is a direct result of the stamina and character of the people of Swain County. I believe however, that our school system particularly Bryson City Elementary is at a cross roads. We can no longer provide an adequate education to our children (and I have 2 and soon to be 3 in our schools) due to the fact that construction and facilities costs as well as the costs of paying good well-educated teachers have out-stripped our ability to pay, despite a desire to provide these services. This problem has been brought on primarily by the small tax base of our county and the large property ownership of the federal government in our county.

Now that we have come to the possibility of a settlement of the Fontana Road issue in which Swain County has definitely not been treated fairly, I see, as does the rest of our committee and the educational system as a whole, the tremendous benefits to our county if we can achieve a fair and equitable settlement. I therefore would urge you to push for the 9.5 million dollar payment to Swain County and retirement of the high school bond debt to allow our county to progress and move forward particularly in the field of education of our children. I also urge you to not allow other important but minor issues deter you from the path of providing the means for the financial survival of this county that the federal government in the past has slowly taken away from us. We as members of the Bryson City Elementary School Advisory Board fully support the 9.5 million dollar settlement to Swain County. We also support retirement of the high school indebtedness and feel that all other issues can be worked out on a compromise basis fair to all, but not sacrifice this vital boost to our economy. The federal government should fulfill its debt to Swain County. In other words, let's get our heads together and settle this issue fairly and finally.

Respectfully submitted,

Robert S. Eldridge, D. D. S.
Chairman, Bryson City Elementary School
Advisory Board

Senator WALLOP. Thank you, Dr. Eldridge.
Mr. Clapsaddle.

STATEMENT OF MIKE CLAPSADDLE, PRESIDENT, BRYSON CITY ELEMENTARY SHCOOL PTO

Mr. CLAPSADDLE. I am Mike Clapsaddle, president of the Bryson City Elementary Parent/Teacher Organization. As a parent and resident of Swain County, I am interested in our schools and economic growth of our county. Swain County's tax base was cut drastically with land taken in by the Great Smoky Mountains National Park, the U.S. Forest Service and the Tennessee Valley Authority. Our unemployment rate is the highest in the State of North Carolina at 28 percent.

I would like very much to see Senate bill 2183 to be acted on as soon as possible. The interest obtained from the $9.5 million would go to the much needed new elementary school buildings in Swain County. In Bryson City Elementary School the third floor has been closed off by State officials. The two remaining floors are too dangerous to walk down the halls for fear of 1 inch thich plaster, the size of desk tops, breaking loose and falling, which has already happened several times already.

The forgiveness of the Farmers Home Administration loan of October 12, 1976, for the Swain County High School. The forgiveness of this debt would release an additional $100,000 plus into the school system for much needed supplies and other school expenditures.

The passage of this bill would also help relieve much of the anger and frustration for many of our country residents who lived on the north shore and have been promised many proposals over the last 41 years.

I feel at this time this matter should be settled so that the people of Swain County can move on to a more prosperous future.

Senator WALLOP. Thank you, Mr. Clapsaddle.
Mr. Smith.

STATEMENT OF ROLLON SMITH, CHAIRMAN, SWAIN COUNTY BOARD OF EDUCATION

Mr. SMITH. Yes, I am Rollon Smith. I am chairman of the Swain County Board of Education, a resident, parent, businessman, and concerned citizen of Swain County.

On Monday, March 12, 1984, the Swain County Board of Education met in its regular season, approved the resolution supporting a settlement with the U.S. Government and Swain County. We didn't support any particular bill because we feel there's a lot of things that need to be met for different things, but we feel like the education should be one of our prior concerns. We feel like the welfare and education of our children should be given top priority, working in all these factors.

Some things that really concern us are we presently have children in Swain County who are attending schools in condemned facilities. All elementary buildings are outdated and are in need of extensive repairs or complete replacement. Without some type of road settlement it would be virtually impossible to achieve these needs of our schools because 82 percent of our county belongs to the Federal Government: the Cherokee Indian Reservation, Fontana Dam, and the Great Smoky Mountains National Park.

Therefore, it leaves such a small tax base that revenues cannot be supplied for our schools. Our county ranked 13th in the State of North Carolina in the percent of money given to the schools in ratio to their total budget. In fact, our county gave 50 percent of its revenues for the school system. However, this amount falls way short of the needs of our schools. Due to these situations and the debt on the current high school, our county maintains a zero bond rating. So it would be impossible to have a bond referendum to satisfy these needs. We feel that some type of settlement can be reached. We feel like this would stimulate economic growth in Swain County and increase local industry and revenues to allow our county to met its needs, the ever-increasing needs, for the education of our children.

We feel like our children deserve the right to the best education available, and since the Government owns most of our resources, we feel they should share in that responsibility. We do not propose any road settlement or anything to these other people, but we feel like education should have a great part to play in this.

Thank you.

Senator **Wallop**. Thank you, Mr. Smith.

Mr. Park.

STATEMENT OF JIMMY PARK, PRESIDENT, WHITTIER ELEMENTARY SCHOOL PTO

Mr. **Park**. My name is Jimmy Park. I am the president of the parent-teacher organization of the Whittier Elementary School. We at the Whittier Elementary School Parent-Teacher Organization have drafted a very brief statement. We are a special interest group and our special interest is the youth of Swain County.

The other men have been very eloquent in stating how they feel about our young people here and the future of our young people of Swain County, so I will be very brief and read this statement which was drafted by the executive committee as authorized by the Whitter Parent/Teacher Organization:

> The Whittier School Parent/Teacher Organization unanimously supports the settlement of the 1943 North Shore Controversy. It is the consensus of the Organization that the monetary settlement would have a very positive effect on the present and future education of Swain County's youth. The young people of today are the County's future. Without this settlement our educational facilities will never be updated.
>
> The Whittier PTO would like to urge the United States Government to settle with Swain County so that our young people will ultimately benefit.

Thank you very much.

Senator **Wallop**. Thank you, Mr. Park.

Could anybody here just tell me what the size of the FHA indebtedness is, what the figure is?

Dr. **Eldridge**. I think it is roughly in the neighborhood of $1.6 million. Over a period of time—I think there's about 23 years left, roughly, on it, somewhere in that neighborhood.

Senator **Wallop**. So we are presently talking about the 9.6 and the 1.6?

Dr. **Eldridge**. The original debt was something like 1.8 million. So far about 20,000 a year has gone toward the principal of that, so it's somewhere in the neighborhood of $1.6 million.

Senator **Wallop**. Thank you very much, and thank you for your testimony.

Mr. Manley Fuller, Mr. William Crisp, Bob Hazel, Roger Smith, and Ray Payne. On deck will be Wallace Calhoun, Louise Kirkland, Frank Shook, and L.R. Higdon.

Mr. Fuller.

STATEMENT OF MANLEY K. FULLER, NORTH CAROLINA WILDLIFE FEDERATION

Mr. **Fuller**. I am Manley Fuller. I am representing the National Wildlife Federation and its State affiliate, the North Carolina Wildlife Federation.

The National Wildlife Federation is the Nation's largest private conservation organization and the North Carolina Wildlife Federation is also North Carolina's largest private conservation organization.

We believe that the designation of the majority of Great Smoky Mountains National Park as wilderness is in the best interest of natural resource conservation. The ecological significance of this area is almost incalculable. These lands are truly national treasures, providing habitat for fish and wildlife, immense biological diversity, recreational values, and some of the most beautiful scenery in the world. Designation of wilderness areas in the park would mean that there would be no additional development or road construction and that the park would remain in its present condition, which is currently about 10 percent undeveloped.

We are strongly opposed to new road construction within the park becaue of adverse effects on the fish and wildlife habitat. We also support the park's general management plan recommendation that 467,000 acreas be designated as wilderness. Such designation would preclude future unsound development projects.

For these reasons, the National Wildlife Federation, the North Carolina Wildlife Federation, and the North Carolina Chapter of the Wildlife Society all support the Baker/Sasser bill and the Duncan/Clarke bill. We believe that this legislation will serve to protect the park from unwise development and provide a solution to commitments made to local government.

We do feel that access for the citizens to their ancestral cemetary plots is very important and it would be covered by this legislation. We, therefore, urge that Congress enact these measures.

And thank you very much for the opportunity to testify here today.

[The prepared statement of Mr. Fuller follows:]

STATEMENT OF NATIONAL WILDLIFE FEDERATION AND NORTH CAROLINA WILDLIFE FEDERATION

Chairmen and members of the Senate Interior and Natural Resources Committee it is a pleasure to be able to speak before you today. My name is Manley Fuller and I am a Wildlife Resource's Specialist for the National Wildlife Federation's Southeastern Natural Resources Center in Raleigh, North Carolina. The National Wildlife Federation is the nation's largest private conservation organization in ~~the United States~~ with over four million members and supporters. I am also representing our state affiliate the North Carolina Wildlife Federation which is the state's largest private conservation organization. The North Carolina Wildlife Federation has a long standing interest in the issues discussed today. Mr. Robert Hazel President of the North Carolina Chapter of the Wildlife Society (of which I am a member) has also requested that I submit his statement for the record.

We believe the designation of the majority of Great Smoky Mountains National Park as wilderness is in the best interests of natural resources conservation. The ecological significance of the Great Smoky Mountains National Park is almost incalculable. These lands are truly national treasures providing habitat for fish and wildlife, immense biological diversity, recreational values, and some of the most beautiful scenery in the world. Designation of wilderness areas in the park would mean that there would be no additional development or road construction and that the park would remain in its present condition which is currently about 10 percent undeveloped.

We are strongly opposed to new road construction within the park because of adverse effects on fish and wildlife habitat. We also support the Park's General Management Plan recommendation that 467,000 acres be designated as wilderness. Such designation would preclude future unsound development projects. For these reasons the National Wildlife Federation, The North Carolina Wildlife Federation, and the North Carolina Chapter of the Wildlife Society all support S.1947 and H.R.4262.

We believe that this legislation if enacted will protect the park from unwise development while providing a fair and equitable solution to commitments made to local government. Access for citizens to their ancestral cemetary plots will be continued under this legislation. We therefore urge that Congress enact S.1947 and H.R.4262. Again, thank you for the opportunity to testify at this field hearing.

Senator **Wallop**. Thank you, Mr. Fuller.

Mr. Crisp. Mr. Crisp is not here.

You have Mr. Hazel's testimony to submit?

Mr. **Fuller**. I have submitted it to the gentleman on the right.

Senator **Wallop**. So one of you is Roger Smith?

STATEMENT OF ROGER SMITH, CHAIRMAN, WESTERN NORTH CAROLINA GROUP, THE SIERRA CLUB

Mr. **Smith**. Yes; I am Roger Smith.

I appreciate the opportunity to be here today and I would like the record to say that I am a Republican and I am in support of Jesse Helms throughout his campaign, but I would also like to say that I am chairman of the Western North Carolina Group of the Sierra Club. We have over 600 members in the westernmost counties of North Carolina, including several members in Bryson City and Swain County. I am speaking on their behalf when I say that we support the Sasse/Baker, Duncan/Clark Wilderness bill. There are a number of reasons why we support this bill as opposed to the Helms/East bill.

First and foremost, we believe that it is the only bill that has a realistic chance of resolving this controversy and letting these fine people in this area rest in peace.

In fact, until the Senate proposal by Helms and East was made, the issue had been resolved by the Sasser/Baker proposal. Their proposal received widespread support from all parties concerned: the Park Service, the Swain County Commissioners, Bryson City Council and others.

The Helms/East proposal merely opens old wounds. When the Federal Government took these people's lands, they promised them a road giving them access to their cemeteries. The road could not be built for a number of reasons, and this new road cannot, and in all probability will not, be built for the same reasons. Those reasons included adverse environmental impact, engineering difficulties, and, most importantly, economic reasons.

In this day and time, when the President, Congress and everyone else desires to reduce the massive Federal deficit, I cannot imagine a bill authorizing $950,000 or more to construct a primitive access road would pass through both Houses and the President.

In fact, Steve Wilson, a civil engineer in charge of construction for the U.S. Forest Service in this area, estimates that the actual cost of constructing a primitive access road would be over $1,500,000. When there are hundreds of miles of interstate highways which desperately need repairs and improvements throughout the country, what incentive would there be to provide large sums of money for a primitive access road in this area, when access is already provided? We believe this is another empty promise by the Federal Government and it would be another empty promise by the Federal Government.

These bills, S. 1947 and H.R. 4262, would establish the finest mountain wilderness area east of the Rockies. It would leave existing vehicle, foot and horse access unaffected. It would allow official vehicle access for research and rescue and other appropriate purposes. It would allow access to cemeteries, as it is provided now.

This is reading from section 3 of S. 1947. It provides that access would continue under the general management plan, which does include motor transport.

There are several other reasons why the bill should be continued and supported, the S. 1947. As it is now, it has been continuing for 40 years and nothing has been done. However, if the Helms/East bill is supported and approved, the situation would continue without resolution.

Thank you.

Senator **Wallop**. Thank you, Mr. Smith.

Mr. Payne.

STATEMENT OF RAY PAYNE, CHAIRMAN, GREAT SMOKIES PARK WILDERNESS ADVOCATES

Mr. **Payne**. Mr. Chairman, I am Ray Payne of Knoxville, TN, and I am here to speak for the Great Smokies Park Wilderness Advocates. This is an Ad Hoc Coalition of Tennessee, North Carolina, and national conservation organizations whose goal is to place the qualifying area of the Smokies under the protection of the 1964 Wilderness Act. This coalition was organized in 1975, and I have served as its chairman since that time. However, some of the member organizations have representatives here today to speak for their own organizations.

Starting in 1975 members of the Wilderness Advocates prepared a draft bill for the designation of a Great Smoky Mountains Wilderness and sought the help from the Members of Congress from Tennessee and North Carolina to get this legislation enacted.

In 1971 and again in 1981 Senator Sasser of Tennessee introduced that bill in the Senate. Unfortunately the Congress chose not to act on these bills. This bill provided for the inclusion of about 475,000 acres in the wilderness system. Although that differs somewhat from the present Sasser/Baker bill, the difference in acreage is not significant. Some of the details are significant and I will cover that in written testimony which I will submit to the committee.

When the National Park Service began preparing the general management plan in the late 1970's we were very much involved to the extent that private citizen groups were permitted to be involved. This plan, which had been released at that time, classified 467,000 acres as "Natural Environment—Type 1," including the area adjacent to the north side of Fontana Lake, and is the area which S. 1947 would designate as wilderness.

We firmly support the inclusion of this entire area in the National Wilderness System as a minimum. I have hiked extensively throughout the park and have no doubts about the qualifications of this area for wilderness designation. Although there were some homes in the area north of Fontana Lake when it was acquired by TVA in the early 1940's, the 40 years since then in which nature has been allowed to take its course has resulted in excellent recovery of its wilderness character. The same is true in many other areas of the park, both North Carolina and Tennessee, where scattered homesites existed.

The area called Cades Cove has been mentioned a number of times here today. That area, of course, was not left to nature. It was maintained from the time the park was established as historical sites, with campgrounds, roads, a mill, ranger station, et cetera. That area simply does not qualify for inclusion in the wilderness district. Therefore, it had to be left out of the Sasser/Baker bill.

This park has a good road system. It provides excellent access and opportunity to see its natural beauty from an automobile, but unfortunately those who prefer not to leave their automobiles to see the park are constantly advocating more and more roads. Because of this pressure on the National Park Service and the propensity of the Department of the Interior to yield to this pressure, it is essential that virtually all of the undeveloped area of the park be included in the wilderness system. That's important for the future, not only the present.

Let me also point out that in east Tennessee and western North Carolina we have some of the finest of the Appalachian Mountains range, including three national forests. Within the Tennessee and North Carolina portion of this mountain range we have thousands of miles of roads that provide unlimited opportunities for scenic driving. They range from interstate-highway quality to the roughest off-road vehicle track. There is simply not justification for additional roads in the park. When there is money available for roads, it should be spent outside the park to improve and maintain the existing roads that we use in the normal course of our daily lives.

A great deal has been said about the cemeteries north of Fontana Lake——

Senator WALLOP. Mr. Payne, could you summarize?

Mr. PAYNE. All right. I will try very quickly.

I would like to point out what Horace Kephart—a comment that he made, and I would like to quote from his book, "Our Southern Highlanders." Mr. Kephart says:

> The saddest spectacle in the mountains is the tiny burial ground, without a headstone or headboard in it, all overgrown with weeds, and perhaps unfenced, with cattle grazing over the low mounds of sunken graves. The spot seems never to be visited between interments. I have remarked elsewhere that most mountaineers are singularly callous in the presence of serious injury or death. They show a no less remarkable lack of reverence for the dead. Nothing on earth can be more poignantly lonesome than one of these mountain burial places, nothing so mutely evident of neglect.

[The prepared statement of Mr. Payne follows:]

GREAT SMOKIES PARK WILDERNESS ADVOCATES

Ray Payne, Chairman
836 Roderick Road
Knoxville, Tennessee 37923

I'm Ray Payne of Knoxville, Tennessee, and I'm here to speak for the Great Smokies Park Wilderness Advocates. This is an ad hoc coalition of Tennessee, North Carolina and national conservation organizations whose goal is to place the qualifying area of the Smokies under the protection of the 1964 Wilderness Act. This coalition was organized in 1975 and I have served as its chairman since that time. However, some of the member organizations have representatives here today to speak for their own organizations.

Starting in 1975, members of the Wilderness Advocates prepared a draft bill for the designation of a Great Smoky Mountains Wilderness and sought help from the members of Congress from Tennessee and North Carolina to get this legislation enacted. In 1977 and again in 1981, Senator Sasser of Tennessee introduced our bill in the Senate. Unfortunately, the Congress chose not to act on these bills. This bill provided for the inclusion of about 475,000 acres in the Wilderness System.

When the National Park Service began preparing the general management plan in the late 70s, we were very much involved to the extent that private citizen groups were permitted to be involved. This plan classified 467,000 acres as Natural Environment - Type 1, including the area adjacent to the north side of Fontana Lake, and is the area which S.1947 would designate as wilderness. We firmly support the inclusion of this entire area in the National Wilderness System as a minimum. I have hiked extensively throughout the park and have no doubts about the qualifications of this area for wilderness designation. Although there were a few homes in the area north of Fontana Lake when it was acquired by TVA in the early 40s, the forty years since then in which nature has been allowed to take its course, has resulted in excellent recovery of its wilderness character. The same is true in many other areas of the park where scattered homesites existed.

This park has a good road system that provides excellent access and opportunity to see its natural beauty from an automobile but unfortunately those who will not leave their automobiles to see the park are constantly advocating more and more roads. Because of this pressure on the National Park Service and the propensity of the Department of Interior to yield to this pressure, it is essential that virtually all the undeveloped area of the park be included in the wilderness system.

Let me also point out that in east Tennessee and western North Carolina we have some of the finest of the Appalachian Mountains range including three national forests. Within the Tennessee and North Carolina portion of this mountain range we have thousands of miles of roads that provide unlimited opportunities for scenic driving. They range from interstate highway quality to the roughest off-road vehicle track. There is no justification for additional roads in this park. When there is money available for roads, it should be spent outside the park to improve and maintain the existing road system that we use in the normal course of our daily lives.

A great deal has been said about the cemeteries north of Fontana Lake, the small mountain cemeteries that are so typical of the southern Appalachians. It's a very emotional issue. Having grown up in the mountains of the southern end of West Virginia, I'm very familiar with cemeteries like these. Practically all of my deceased relatives are buried in them in both Virginia and West Virginia. So, I would like to quote from the book, OUR SOUTHERN HIGHLANDERS, by Horace Kephart.

> "The saddest spectacle in the mountains is the tiny burial-ground, without a headstone or headboard in it, all overgrown with weeds, and perhaps

unfenced, with cattle grazing over the low mounds or sunken graves. The spot seems never to be visited between interments. I have remarked elsewhere that most mountaineers are singularly callous in the presence of serious injury or death. They show a no less remarkable lack of reverence for the dead. Nothing on earth can be more poignantly lonesome than one of these mountain burial-places, nothing so mutely evident of neglect."

This comment by Kephart was made before there was a Fontana Lake and before there was a Great Smoky Mountains National Park. It is just as applicable to the cemeteries where many of my deceased relatives are buried in Virginia and West Virginia as it is here in North Carolina and Tennessee.

Had there been no Fontana Lake and no national park, I believe it is reasonable to assume that most of the cemeteries throughout the park would have suffered the same fate as those referred to by Kephart. The establishment of the park and the removal of over 1,000 graves by TVA have assured that these cemeteries will now be maintained. The policy of the NPS relative to the cemeteries as described in the General Management Plan and as it is implemented is a very reasonable one and we support it. The deletion of the area north of Fontana Lake from the wilderness system and the construction of roads in this area is unacceptable.

This park is not a Tennessee park or a North Carolina park. It is a priceless resource of our nation. We should not dwell on the past and concoct ways to destroy it but should look to the future and provide for it the strongest protection possible.

This statement is for the record of the senate hearings on the Great Smoky Mountains issue prepared for the hearings at Bryson City, North Carolina. I plan to submit a much more extensive statement to the committee on other pertinent matters relative to the wilderness issue on or before March 27, 1984.

Ray Payne

Senator **Wallop**. I think that one of the things Mr. Kephart might be surprised at how singularly affected these mountain people are by death, if the testimony here is to be believed, and I have no reason not to.

Mr. Smith, there is something that you said that troubles me and I just want to clear it up. Your statement was that the issue was resolved until Senators Helms and East introduced their bill. I ask you if that isn't a chicken-and-an-egg question.

Do you think that they opened it up or that they responded to constituent inquiries and desires?

Mr. **Smith**. I think that the issue was basically resolved by the Sasser/Baker bill and that Senator Helms has spurred more interest in the north shore road.

Senator **Wallop**. You think these people wouldn't have felt as strongly without the bill?

Mr. **Smith**. No. That's not at all what I meant. I know these people have deep feelings for their access to the road—to the cemeteries.

Senator **Wallop**. Maybe their silence was despair.

Mr. **Smith**. Well, I don't believe that is true, either, because the commissioners in Swain County talked for them and spoke on their behalf.

Senator **Wallop**. Thank you.

Thank you all very much.

Next panel: Mr. Wallace Calhoun, Louise Kirkland, Frank Shook, and Mary Ann Green. The panel on deck would be Mercedith Bacon, Barry Hipps, Bill Styles, and James Coggins.

Mr. Calhoun.

STATEMENT OF WALLACE CALHOUN

Mr. **Calhoun**. Mr. Chairman, I was born and raised in the Fontana area. I am 58 years old now. I saw the road started at the lower end, about 1 mile built from Fontana to Lewellyn Branch, near the Lewellyn Branch. I saw it started on the Bryson City end, which went about, approximately, 6 miles through a tunnel and dead end. And I do have relatives in that Fontana area. I would like to go back—and I do go back.

The park don't take me back. I have my own transportation, and I do go back to visit, and I feel like that the Helms' bill suits my situation better than any bill that I have read yet. And anyone that don't respect the dead is not going to respect the living, is the way I look at it.

One of the boys told me, he says, "Show me a country that don't respect their dead, I'll show you a country that's died."

Thank you, sir.

Senator **Wallop**. Thank you, Mr. Calhoun.

Mrs. Kirkland? She is not here.

Mr. Shook.

STATEMENT OF FRANK SHOOK

Mr. **Shook**. Mr. Chairman, my name is Frank Shook. I am an old Baptist minister. I know all these people here and they know me. I was born on Chambers Creek, grew up there, and my parents had to give up their land and move away and be transplanted in another place. They were promised that they would have a road to return once again to care for the maintenance of those cemeteries that was left out there.

To see those cemeteries today, it would almost strike terror to your heart. Most all of us know that we are supposed to reverence those that have outlived us, and especially those that have fought so hard to make our country what it is today.

My ancestors were great runners, some running for offices and some running from officers, but what I mean to say, they fought strongly for education, and some of the greatest people that has ever been born in the United States was born and reared in this vicinity that we are talking about now.

I know those people. I have shared their joys and their sorrows. I have pastored their churches. I have went at night to their aid. I have cared for their wounds when they were wounded, and married their children as they have grown up, and three-fourths of a century has passed by, and I love to go back to those places.

The next three-quarters of a century I would like to be standing each time with one of the ones that have buried their loved ones and recall and reminisce again the joys and the sorrows that we shared together, and I am for this bill to where we can have access to our cemeteries, because that is a vital part of our livelihood, and we should at least respect our—we as a Government should at least respect our promise enough to give us an access road to those places.

Thank you very much.

Senator WALLOP. Thank you, Mr. Shook.

Mary Ann Green.

STATEMENT OF MARY ANN GREEN

Ms. GREEN. Yes.

Mr. Senator and Senator Helms, I haven't anything prepared. I have a lot of things in my heart that I would like to have said but they have been said here beautifully. My mother passed away in December. I was born on Proctor, and my mother passed away this past December without ever having seen the road that we are in controversy over today, and I have a poem that I wrote for her. I would like to read it, if I may.

"It is not our intention to keep you good people shut away from your dead.
"We will build a road to your graveyards when the Dam is finished," they said.

"Look, we know how you feel and this is your home,
"But as everyone knows, progress must go on."

So one by one the families moved and the trees were cut away.
Only a few folk here and there are determined they would stay.

But problems floundered its progress so there was nothing left to do,
But gather the memories and carry the pictures and carry the heartache, too.

It's sad to leave your homeplace if you have to go away,
But always there is a thought in mind that you'll come back someday.

But there is no chance of returning to a home that's lost to a dam.
Just a road to the graveyard, that's all we ask, Uncle Sam.

Thank you.

Senator WALLOP. Thank you very much, Mrs. Green, and thank you, panel, for your testimony.

The next panel, panel 26: Mercedith Bacon, Barry Hipps, Bill Styles, and James Coggins.

Miss Bacon.

STATEMENT OF MERCEDITH BACON, SWAIN COUNTY COMMISSIONER

Ms. BACON. Thank you, Senator Wallop. I am Mercedith Bacon, county commissioner for Swain County. I was born in a 44-acre tract.

My relatives sold their lands, just like all the residents which you have heard from today. I identify and sympathize with the Swain County citizens who speak here today voicing their feelings about longstanding grievances. It was a very traumatic experience for every one of those residents, particularly those whose lands were condemned. Emotions ran very high as those families built that last fire in the fireplace, walked through the familiar garden plot to gaze at the soil that had produced vegetables and fruit for their families for generations. It was soil where they were born and had, themselves, conceived and given birth to their own children.

It was not easy for them to unload the hay and the grain from their small barns and pack them into wagons to be unloaded along with their faithful farm animals in some distant and unfamiliar place, where the familiar faces and sounds of the neighborhood, the school, the church, the country store, the post office, their work places, the security of extended families and friends, the friendships that developed where mountainous terrain isolated people from the rest of the world—even from the next county over. In those days sophisticated means of communication were virtually nonexistent in these mountains.

It was thought for years that the U.S. Government would one day honor that agreement and build the north shore road. Persistent efforts over the past 40 years on the part of elected officials at every level of government have failed to produce anything for Swain County.

Finally, we began to be told from Washington that environmental concerns prevented the road from being completed and that the road would, in fact, never be built.

In spite of intense efforts over the past few years, settlement of any kind has been elusive and fraught with many disappointments, delays, and shattered hopes. Having become convinced of the reality of having no road for 40 years, I, too, am convinced that there never will be a road unless you, gentlemen, Members of the U.S. Congress, reverse that trend and begin a new policy of honesty in Government. That includes honoring its contracts.

Therefore, I believe that we are justified in asking for an immediate settlement of this old controversy which has caused so much grief in Swain County and continues to to this day. I respectfully request that any legislation favorably reported by this subcommittee include as a minimum the following: $9.5 million cash settlement——

Senator **Wallop**. Ms. Bacon, the time has run and the statement will be included in the record in its entirety.

Ms. **Bacon**. Thank you.

[The prepared statement of Ms. Bacon follows:]

PAGE 1 REMARKS-MERCEDITH BACON, SWAIN COUNTY COMMISSIONER.

HEARING BY THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON S. 1947 AND S. 2183, BILLS WHICH DESIGNATE CERTAIN LANDS AS WILDERNESS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK IN NORTH CAROLINA AND TENNESSEE - MARCH 16, 1984, BRYSON CITY, NORTH CAROLINA.
REMARKS BY MERCEDITH BACON, SWAIN COUNTY COMMISSIONER, BRYSON CITY, N.C.

I AM MERCEDITH BACON, ONE OF THREE COUNTY COMMISSIONERS FOR SWAIN COUNTY. THANK YOU GENTLEMEN FOR HOLDING THIS HEARING HERE IN BRYSON CITY WHERE WE CAN MORE CONVENIENTLY HAVE INPUT TO HELP YOU UNDERSTAND OUR NEEDS AND WISHES IN THE MATTER OF THE 1943 SETTLEMENT CONTROVERSY. I SPEAK AS AN ELECTED OFFICIAL WHO HAS HAD TO MAKE CHOICES CONCERNING THE PROPOSED SETTLEMENT. I SPEAK AS A NATIVE WOMAN WHO WAS BORN IN A LITTLE SETTLEMENT CALLED BUSHNELL LOCATED IN THE 44,000 ACRE TRACT THAT IS NOW OWNED BY THE NATIONAL PARK SERVICE. MY ANCESTORS SOLD THEIR LANDS TO THE TENNESSEE VALLEY AUTHORITY, JUST LIKE ALL THE OTHER RESIDENTS IN THAT AREA DID, AND MOVED OUT.

I IDENTIFY AND SYMPATHIZE WITH THE SWAIN COUNTY CITIZENS WHO HAVE OR WILL BE SPEAKING HERE TODAY VOICING THEIR FEELINGS ABOUT LONG STANDING GRIEVANCES. I HAVE GROWN UP HEARING THOSE SENTIMENTS OFTEN EXPRESSED. SENTIMENTS THAT BEGAN WHEN RESIDENTS LEARNED SOME FORTY YEARS AGO THAT THEY MUST SELL THEIR HOMEPLACES TO T.V.A FOR THE PURPOSE OF BUILDING A RESERVOIR UNDER THE WAR POWERS ACT WHICH AUTHORIZED THE FONTANA DAM PROJECT TO GENERATE POWER FOR OAK RIDGE,TENNESSEE, TO PRODUCE AND GENERATE POWER FOR PRODUCTION OF ALUMINUM NEEDED IN THE WAR EFFORT. SOME 88% OF THE PEOPLE VOLUNTARILY SOLD THEIR LANDS TO T.V.A., 3.4% REFUSED TO SELL THEIR LANDS RESULTING IN CONDEMNATION OF THEIR LANDS; SOME 8.6% OF THE LANDS WERE CONDEMNED TO CLEAR TITLES BECAUSE OF BACK TAXES, ETC..

REMARKS- MERCEDITH BACON, CONTINUED

LATER (1946) THE 44,000 ACRE TRACT WAS TRANSFERRED TO THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

CERTAINLY, IT WAS A VERY TRAUMATIC EXPERIENCE FOR EVERY ONE OF THOSE RESIDENTS, PARTICULARLY THE 3.4 PERCENT WHOSE LANDS WERE CONDEMNED TO LEAVE THEIR HOMELAND. UNDOUBTEDLY EMOTIONS RAN HIGH AS THOSE FAMILIES BUILT THAT LAST FIRE IN THE FIREPLACE, WALKED THROUGH THE FAMILIAR GARDEN PLOT TO GAZE AT THE SOIL THAT HAD PRODUCED VEGETABLES AND FRUIT FOR THEIR FAMILIES FOR GENERATIONS. IT WAS SOIL WHERE THEY WERE BORN AND HAD THEMSELVES CONCEIVED AND GIVEN BIRTH TO THEIR OWN CHILDREN.

IT WAS NOT EASY FOR THEM TO UNLOAD THE HAY AND GRAIN FROM THEIR SMALL BARNS AND PACK THEM INTO WAGONS TO BE UNLOADED ALONG WITH THEIR FAITHFUL FARM ANIMALS IN SOME DISTANT AND UNFAMILIAR PLACE WHERE THE FAMILIAR FACES AND SOUNDS OF THE NEIGHBORHOOD, SCHOOL, CHURCH, COUNTRY STORE AND POST OFFICE, THEIR WORK PLACES, THE SECURITY OF EXTENDED FAMILIES AND FRIENDS, THE CAMARADERIES THAT DEVELOPED WHERE MOUNTAINEOUS TERRAIN ISOLATED PEOPLE FROM THE REST OF THE WORLD...EVEN FROM THE NEXT COUNTY! IN THOSE DAYS SOPHISTICATED MEANS OF COMMUNICATION WERE VIRTUALLY NONEXISTENT IN THESE MOUNTAINS.

THE PEOPLE WERE GIVEN SOME CHOICES. "YOU MAY LEAVE YOUR DEAD BEHIND," T.V.A. SAID, "OR WE WILL REMOVE THE GRAVES TO YOUR CHOICE OF CEMETERIES." MANY PEOPLE OPTED TO HAVE FAMILY GRAVES MOVED AS THEY WERE INFORMED THAT THE GRAVES WOULD BE ISOLATED IF LEFT BEHIND. 1,049 WERE MOVED TO OTHER CEMETERIES. 901 GRAVES WERE LEFT INTACT AFTER THEIR NEXT OF KIN SIGNED REMAIN AGREEMENTS. 93 GRAVES REMAINED BEHIND BECAUSE THEY EITHER COULD NOT BE IDENTIFIED OR THEIR NEXT OF KIN LOCATED.

TODAY THE PARK SERVICE PROVIDES ACCESS TO THOSE GRAVES BY FERRYING PEOPLE ACROSS THE FONTANA LAKE WHERE A MOTORIZED PARK SERVICE VEHICLE CARRIES

REMARKS-MERCEDITH BACON, CONTINUED

THEM AS CLOSE AS POSSIBLE TO THE CEMETERIES AS PROVIDED IN "APPENDIX D" OF THE MASTER PLAN OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK MANAGEMENT PLAN.

IN 1943, THE U.S. GOVERNMENT CONTRACTED TO CONSTRUCT A ROAD ALONG THE NORTH SHORE OF THE FONTANA LAKE. IT WAS THOUGHT FOR YEARS THAT THE GOVERNMENT WOULD ONE DAY HONOR THAT AGREEMENT AND BUILD THE NORTH SHORE ROAD IN COMPENSATION FOR THE ROAD THAT WAS FLOODED BY THE FILLING OF THE FONTANA LAKE RESERVOIR, BUILT IN 1944 AND FILLED UP IN 1945.

PERSISTENT EFFORTS OVER THE PAST FORTY YEARS ON THE PART OF ELECTED OFFICIALS AT EVERY LEVEL OF GOVERNMENT HAS FAILED TO PRODUCE THE LONG AWAITED NORTH SHORE ROAD. FINALLY, WE BEGAN TO BE TOLD FROM WASHINGTON THAT ENVIRONMENTAL CONCERNS PREVENTED THE ROAD FROM BEING COMPLETED AND THAT THE ROAD WOULD, IN FACT, NEVER BE BUILT. TIME DOES NOT PERMIT A DISCUSSION OF THE VARIOUS OPTIONS THAT HAVE BEEN EXPLORED AS A POSSIBLE VIABLE SETTLEMENT OF THE GOVERNMENT'S OBLIGATION TO SWAIN COUNTY, NONE OF WHICH HAVE PRODUCED RESULTS. BELIEVING THE REALITY OF THE STATEMENTS THAT NO ROAD WOULD EVER BE BUILT, SWAIN COUNTY OFFICIALS BEGAN EXPLORING THE LABORIOUS TASK OF SEEKING A CASH SETTLEMENT IN LIEU OF THE LONG HOPED FOR ROAD AS THE COUNTY BEGAN TO EXPERIENCE THE DISASTEROUS ECONOMIC RESULTS OF HAVING SOME 82% OF ITS TAXABLE LAND BASE IN FEDERAL GOVERNMENT OWNERSHIP BY T.V.A., GREAT SMOKY MOUNTAINS NATIONAL PARK, NATIONAL FOREST SERVICE LANDS, AND THE CHEROKEE INDIAN RESERVATION.

IN SPITE OF INTENSE EFFORTS OVER THE PAST FEW YEARS, SETTLEMENT OF THIS LONG STANDING CONTROVERSY BY WAY OF A CASH SETTLEMENT HAS BEEN ELUSIVE AND FRAUGHT WITH MANY DISAPPOINTMENTS, DELAYS AND SHATTERED HOPES.

HAVING BECOME CONVINCED BY THE REALITY OF HAVING NO ROAD FOR FORTY YEARS, REMARKS-MERCEDITH BACON, CONTINUED

I,TOO, AM CONVINCED THAT THERE NEVER WILL BE A ROAD UNLESS YOU, GENTLEMEN, REVERSE THE TREND.

THEREFORE, IT MY BELIEF THAT WE ARE JUSTIFIED IN ASKING FOR AN IMMEDIATE SETTLEMENT OF THIS OLD CONTROVERSY WHICH HAS CAUSED SO MUCH GRIEF IN SWAIN COUNTY.

I RESPECTFULLY REQUEST THAT ANY LEGISLATION FAVORABLY REPORTED BY THIS SUBCOMMITTEE INCLUDE AS A MINIMUM THE FOLLOWING:

1. 9.5 MILLION DOLLAR CASH SETTLEMENT. LANGUAGE BOTH AUTHORIZING AND APPROPRIATING THIS SUM UPON RATIFICATION OF BILL. TO INSURE THAT SWAIN COUNTY IS PAID, PAYMENT OF 9.5 MILLION IS A PREREQUISITE TO ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK COMING UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.
2. FORGIVENESS OF F.H.A. SCHOOL BOND INDEBTEDNESS.

3. AS A MINIMUM, REASONABLE ACCESS TO CEMETERIES LOCATED WITHIN THE 44,000 ACRE TRACT WITH PERMISSABLE MOTOR VEHICLE ACCESS WHERE APPROPRIATE.
4. MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL NOT INTERFERE WITH PRESENT AND FUTURE USE OF FONTANA LAKE.
5. PROHIBIT THE CLOSING OF HIGHWAY 441 FROM CHEROKEE TO GATLINBURG AND PROVIDE UNRESTRICTED PRIVATE VEHICLE USE.
6. THE CONCEPT OR IMPLEMENTATION OF ANY "BUFFER" ZONES EXTENDING BEYOND THE BOUNDARIES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK BE PROHIBITED. ANY INTERFERENCE WITH ADJACENT PRIVATE PROPERTY RIGHTS IS UNACCEPTABLE.
7. SUCH OTHER RELIEF AS THE SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE THAT HAS A REASONABLE CHANCE OF PASSING BOTH HOUSES OF CONGRESS.

THANK YOU FOR YOUR TIME AND ATTENTION.

MERCEDITH BACON
SWAIN COUNTY COMMISSIONER
BRYSON CITY, NORTH CAROLINA 28713

Senator **Wallop**. Sorry to do that but we have done it to everyone.

Mr. Hipps.

STATEMENT OF JOSEPH BARRY HIPPS

Mr. **Hipps**. Thank you, Hon. Chairman Wallop, Mr. Craft for Senator Helms.

My name is Barry Hipps. I am a resident of Bryson City, NC. Senate bills 1947 and 2183 both contain language addressing the longstanding dispute between Swain County and the Federal Government of these United States arising from an agreement dated July 30, 1943.

The failure of the Federal Government to take the necessary steps to fulfill its part of the 1943 agreement has meant many long, bitter years of frustration for Swain County. Forty-one years is long enough for the good people of Swain County to wait.

The extremely high percentage of Federal land ownership in Swain County, in excess of 82 percent, severely restricts the county's property tax base. In many instances Swain County has been financially unable to provide any more than a bare minimum level of needed services and public facilities for her citizens. Facilities, services and a positive feeling of general prosperity, taken for granted in many communities across our region, State, and Nation, have seemed beyond the reach of Swain County. Now is the time to begin to reverse this situation.

I respectfully request that the membership of this Senate subcommittee and your colleagues in the U.S. Senate and House of Representatives lend your strongest possible support to legislative language providing for the authorization and direct appropriation of the sum of $9.5 million from the Treasury of the United States to Swain County.

I seek also your support for language relieving Swain County of any further liability to make payments on the Farmers Home Administration loan on the Swain County High School.

In my view the full execution of the cash payment and loan forgiveness must be a prerequisite to the placing of any lands in the Great Smoky Mountains National Park under the protection of the Wilderness Act of 1964.

Further, I earnestly request that any legislation favorably reported by this subcommittee embody the following points:

One, at a minimum, guaranteed continuation of present access, cemetery maintenance and motor vehicle transportation arrangements to cemeteries located within the 44,000-acre tract; that would be minimum.

Management practices of the Great Smoky Mountains National Park shall in no way interfere with or restrict any present or future recreational or other uses of Fontana Lake.

Three, strictly prohibit the closing or any restriction of private vehicle use of U.S. 441 along its entirety from Cherokee, NC, to Gatlinburg, TN—just a couple more points.

Four, strictly prohibit the closing of any other roads or trails within the park which have been open to public use at any time within the past year.

Five, strictly prohibit the planning, implementation or endorsement of any, quote, buffer zones, unquote, extending beyond the legal boundaries of the park. Any interference by the park with any adjacent private property rights is totally unacceptable.

And, six—and I urge you give this your serious consideration: Such other relief as this subcommittee deems suitable and appropriate which has reasonable prospects for ratification by both the U.S. Senate and House of Representatives.

I thank you for your thoughtful consideration to my statement.

Senator **Wallop**. Thank you, Mr. Hipps.

Mr. Styles.

STATEMENT OF BILL STYLES, SWAIN COUNTY COMMISSIONER

Mr. **Styles**. Thank you, Mr. Chairman.

I was born on land that is now within the Great Smoky Mountains National Park, which area is Deep Creek community, Indian Creek. I have no relatives buried in the Cemetery Association that's within the 44,000 acres.

As a businessman and private citizen, I am fully aware of the hardships that have been imposed upon the citizens of Swain County due to the Federal Government's refusal to fulfill the 1943 agreement. The settlement of the 1943 controversy is long overdue and must be put to rest.

I am a sportsman who regularly uses the Great Smoky Mountains National Park, the National Park Forest Service land and Fontana Lake. These mountains are home to many seasonal and weekend visitors upon which our livelihood as a tourist-oriented county depends economically.

In closing, gentlemen, I would respectfully request that you seriously consider the long history of this controversy and pass a bill for our relief that includes no less than the following:

The $9.5 million cash settlement; forgiveness of the FHA's school bond indebtedness; as a minimum, reasonable access to cemetery locations within the 44,000-acre tract with permissible motor vehicle access; management practices of the Great Smoky Mountains National Park shall not interfere with present and future use of Fontana Lake; prohibit the closing of Highway 441 from Cherokee to Gatlinburg and provide unrestricted present vehicle use; such other relief as the subcommittee deems suitable and appropriate that has a reasonable chance of passage before both Houses of Congress.

Thank you for your time and attention.

[The prepared statement of Mr. Styles follows:]

PAGE 1 REMARKS - BILL STYLES, SWAIN COUNTY COMMISSIONER.

HEARING BY THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON S. 1947 AND S. 2183, BILLS WHICH DESIGNATE CERTAIN LANDS AS WILDERNESS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK IN NORTH CAROLINA AND TENNESSEE - MARCH 16, 1984, BRYSON CITY, NORTH CAROLINA.

REMARKS BY BILL STYLES, SWAIN COUNTY COMMISSIONER, BRYSON CITY, N.C.

MY NAME IS BILL STYLES, SWAIN COUNTY COMMISSIONER AND A RESIDENT OF SWAIN COUNTY ALL MY LIFE.

I WAS BORN ON LAND THAT IS NOW WITHIN THE BOUNDARIES OF THE GREAT SMOKY MOUNTAIN NATIONAL PARK AND I UNDERSTAND THE FEELINGS OF THE GROUP KNOWN AS THE NORTH SHORE CEMETERY ASSOCIATION.

I HAVE BEEN A COUNTY COMMISSIONER FOR 16 MONTHS AND DURING THIS TERM HAVE WORKED TOWARD EQUITABLE RESOLUTION OF THE PROBLEM.

AS A BUSINESS MAN AND A PRIVATE CITIZEN, I AM FULLY AWARE OF THE HARDSHIP THAT HAS BEEN IMPOSED UPON THE CITIZENS OF SWAIN COUNTY DUE TO THE FEDERAL GOVERNMENT'S REFUSAL TO FULFILL THE 1943 AGREEMENT.

THE SETTLEMENT OF THE 1943 CONTROVERSY IS LONG OVERDUE AND MUST BE PUT TO A REST. THE LEGAL OBLIGATIONS OF THE FEDERAL GOVERNMENT HAVE, BY THE PASSAGE OF TIME, BEEN COMPOUNDED BY A MORAL OBLIGATION TO THE PEOPLE OF SWAIN COUNTY.

I AM A SPORTSMAN WHO REGULARLY USES THE GREAT SMOKY MOUNTAINS NATIONAL PARK, THE NATIONAL FOREST SERVICE LANDS AND THE FONTANA LAKE.

THESE MOUNTAINS ARE HOME TO MANY SEASONAL AND WEEK END VISITORS UPON WHICH OUR LIVLIHOOD AS A TOURIST ORIENTED COUNTY DEPENDS ECONOMICALLY.

I HOPE THAT THIS SUBCOMMITTEE'S CONSIDERATIONS WILL NOT DEPRIVE MYSELF AND OTHERS OF THESE USES OF FEDERAL LANDS. I AND MANY OTHER PEOPLE IN THIS AREA WOULD FIND TOTALLY UNACCEPTABLE ANY RESTRICTION ON THE PRESENT RECREATIONAL USE OF LANDS WITHIN THE GREAT SMOKY MOUNTAINS NATIONAL PARK AND THE FONTANA LAKE.

IN CLOSING GENTLEMEN, I RESPECTFULLY REQUEST THAT YOU SERIOUSLY CONSIDER THE LONG HISTORY OF THIS CONTROVERSY AND PASS A BILL FOR OUR RELIEF THAT INCLUDES NO LESS THAN THE FOLLOWING:

1. 9.5 MILLION DOLLAR CASH SETTLEMENT. LANGUAGE BOTH AUTHORIZING AND APPROPRIATING THIS SUM UPON RATIFICATION OF BILL. TO INSURE THAT SWAIN COUNTY IS PAID, PAYMENT OF 9.5 MILLION IS A PREREQUISITE TO ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK COMING UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.
2. FORGIVENESS OF F.H.A. SCHOOL BOND INDEBTEDNESS.
3. AS A MINIMUM, REASONABLE ACCESS TO CEMETERIES LOCATED WITHIN THE 44,000 ACRE TRACT WITH PERMISSABLE MOTOR VEHICLE ACCESS WHERE APPROPRIATE.
4. MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL NOT INTERFERE WITH PRESENT AND FUTURE USE OF FONTANA LAKE.
5. PROHIBIT THE CLOSING OF HIGHWAY 441 FROM CHEROKEE TO GATLINBURG AND PROVIDE UNRESTRICTED PRIVATE VEHICLE USE.
6. THE CONCEPT OR IMPLEMENTATION OF ANY "BUFFER" ZONES EXTENDING BEYOND THE BOUNDARIES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK BE PROHIBITED. ANY INTERFERENCE WITH ADJACENT PRIVATE PROPERTY RIGHTS IS UNACCEPTABLE.
7. SUCH OTHER RELIEF AS THE SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE THAT HAS A REASONABLE CHANCE OF PASSING BOTH HOUSES OF CONGRESS.

THANK YOU FOR YOUR TIME AND ATTENTION TO OUR REQUESTS. WE HOPE THAT IMMEDIATE SETTLEMENT WILL BE MADE.

THANK YOU,

BILL STYLES
SWAIN COUNTY COMMISSIONER
BRYSON CITY, NORTH CAROLINA 28713

Senator WALLOP. Thank you, Mr. Styles.

Mr. Coggins.

STATEMENT OF JAMES L. COGGINS, CHAIRMAN, SWAIN COUNTY COMMISSIONER

Mr. COGGINS. Mr. Chairman, my name is James Coggins, chairman of the Swain County Board of Commissioners. I am presently serving my sixth term in that office. During my first term I participated in the appointment of two members of the ad hoc committee that eventually prepared the recommendations for the resolution of the 1943 agreement.

On November 28, 1980, the then Secretary of the Interior responded to the ad hoc committee's settlement proposal by endorsing the $9.5 million cash settlement and forgiveness of the school bond indebtedness. I have attached to this statement a copy of that memorandum.

At that time from the ad hoc committee came the recommendations of some type of reasonable road or access to the cemeteries, and the other two points of the cash money involved.

Swain County has been waiting since 1943 for the fulfillment of the original agreement and now has been waiting 3½ years for the United States of America to fulfill the settlement of the 1980 memorandum of understanding. Swain County has continued to abide by the memorandum of understanding of November 28, 1980. We are weary of making agreements that are never honored by the Federal Government.

You gentlemen and your colleagues in the Congress have an opportunity to demonstrate to the citizens of Swain County and the State of North Carolina that the United States is capable of fulfilling a longstanding obligation.

Senator Wallop, you represent the fine State of Wyoming of which the Federal Government has large land holdings. I am sure you can appreciate the economic hardship that is experienced in a county in which the Federal Government owns, controls, and manipulates 82 percent of its land.

The settlement as agreed to by the Secretary of the Interior is not a handout or giveaway program, but one that satisfies a legal obligation of the Federal Government to Swain County. Our eroded tax base places severe constraints on our county's ability to adequately provide minimum services and facilities for our people. The cash settlement will enable us to meet our responsibilities to the citizens of Swain County.

Therefore, gentlemen, it is only fair that any legislation favorably reported by this subcommittee include at least the following:

These points are all the same as Mr. Styles stated, so in lieu of time I will skip over to point No. 5: Prohibit the closing of Highway 441 through Cherokee and provide unrestricted private vehicular use; the concepts of implementation of any buffer zone extending beyond the boundaries of the Great Smoky Mountains National Park be prohibited; have no interference at all with any adjacent private property; such other relief as the subcommittee deems suitable and appropriate that has a reasonable chance of passing both Houses of Congress.

Gentlemen, I would like to say that I hope out of these four bills the fine people that have introduced them and are sponsoring them can come together with a compromise bill that will be to the benefit of all the citizens of Swain County.

Thank you for your time.

[The prepared statement of Mr. Coggins follows:]

PAGE 1 REMARKS - JAMES L. COGGINS, CHAIRMAN, SWAIN COUNTY COMMISSIONERS.

HEARING BY THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON S. 1947 AND S. 2183, BILLS WHICH DESIGNATE CERTAIN LANDS AS WILDERNESS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK IN NORTH CAROLINA AND TENNESSEE - MARCH 16, 1984, BRYSON CITY, NORTH CAROLINA.

REMARKS BY JAMES L. COGGINS, CHAIRMAN, SWAIN COUNTY COMMISSIONERS,BRYSON CITY, N.C.

MY NAME IS JAMES L. COGGINS, CHAIRMAN OF THE SWAIN COUNTY COMMISSIONERS, SERVING MY SIXTH YEAR AS CHAIRMAN.

DURING MY FIRST TERM, I PARTICIPATED IN APPOINTING TWO OF THE MEMBERS OF THE AD HOC COMMITTEE THAT EVENTUALLY PREPARED THE RECOMMENDATIONS FOR THE RESOLUTION OF THE 1943 AGREEMENT. ON NOVEMBER 28, 1980, THE THEN SECRETARY OF THE INTERIOR, RESPONDED TO THE AD HOC COMMITTEE'S SETTLEMENT PROPOSAL BY ENDORSING THE 9.5 MILLION CASH SETTLEMENT AND FORGIVENESS OF THE SCHOOL BOND INDEBTEDNESS. I HAVE ATTACHED TO THIS STATEMENT A COPY OF THAT MEMORANDUM .

SWAIN COUNTY HAS BEEN WAITING SINCE 1943 FOR THE FULFILLMENT OF THE ORIGINAL AGREEMENT AND HAS NOW BEEN WAITING 3½ YEARS FOR THE UNITED STATES OF AMERICA TO FULFILL THE SETTLEMENT OF THE 1980 MEMORANDUM OF UNDERSTANDING.

SWAIN COUNTY HAS CONTINUED TO ABIDE BY THE MEMORANDUM OF UNDERSTANDING OF NOVEMBER 28, 1980.

WE ARE WEARY OF MAKING AGREEMENTS THAT ARE NEVER HONORED BY THE FEDERAL GOVERNMENT.

YOU, GENTLEMEN, AND YOUR COLLEAGUES IN THE CONGRESS HAVE AN OPPORTUNITY TO DEMONSTRATE TO THE CITIZENS OF SWAIN COUNTY AND THE STATE OF NORTH CAROLINA THAT THE UNITED STATES GOVERNMENT IS CAPABLE OF FULFILLING

A LONG STANDING OBLIGATION.

SENATOR WALLOP, YOU REPRESENT THE FINE STATE OF WYOMING IN WHICH THE FEDERAL GOVERNMENT HAS LARGE LAND HOLDINGS. I AM SURE YOU CAN APPRECIATE THE ECONOMIC HARDSHIP THAT IS EXPERIENCED IN A COUNTY IN WHICH THE FEDERAL GOVERNMENT OWNS, CONTROLS AND MANIPULATES 82% OF ITS LAND.

THE SETTLEMENT AS AGREED TO BY THE SECRETARY OF THE INTERIOR IS NOT A HAND OUT OR GIVE AWAY PROGRAM, BUT, ONE THAT SATISFIES A LEGAL OBLIGATION OF THE FEDERAL GOVERNMENT TO SWAIN COUNTY.

OUR ERODED TAX BASE PLACES SEVERE CONSTRAINTS ON OUR COUNTY'S ABILITY TO ADEQUATELY PROVIDE MINIMUM SERVICES AND FACILITIES FOR OUR PEOPLE. THE CASH SETTLEMENT WILL ENABLE US TO MEET OUR RESPONSIBILITIES TO THE CITIZENS OF SWAIN COUNTY.

THEREFORE, GENTLEMEN, IT IS ONLY FAIR THAT ANY LEGISLATION FAVORABLY REPORTED BY THIS SUBCOMMITTEE INCLUDE AT LEAST THE FOLLOWING:

1. 9.5 MILLION DOLLAR CASH SETTLEMENT. LANGUAGE BOTH AUTHORIZING AND APPROPRIATING THIS SUM UPON RATIFICATION OF BILL. TO INSURE THAT SWAIN COUNTY IS PAID, PAYMENT OF 9.5 MILLION IS A PREREQUISITE TO ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK COMING UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.
2. FORGIVENESS OF F.H.A. SCHOOL BOND INDEBTEDNESS.
3. AS A MINIMUM, REASONABLE ACCESS TO CEMETERIES LOCATED WITHIN THE 44,000 ACRE TRACT WITH PERMISSABLE MOTOR VEHICLE ACCESS WHERE APPROPRIATE.
4. MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL NOT INTERFERE WITH PRESENT AND FUTURE USE OF FONTANA LAKE.

5. PROHIBIT THE CLOSING OF HIGHWAY 441 FROM CHEROKEE TO GATLINBURG AND PROVIDE UNRESTRICTED PRIVATE VEHICLE USE.
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7. SUCH OTHER RELIEF AS THE SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE THAT HAS A REASONABLE CHANCE OF PASSING BOTH HOUSES OF CONGRESS.

IT IS MY SINCERE DESIRE THAT CONGRESS WILL AT LAST PASS OUR LONG WAITED FOR SETTLEMENT OF THE 1943 CONTROVERSY IN A MANNER THAT WILL BENEFIT THE PEOPLE OF SWAIN COUNTY, THE STATE OF NORTH CAROLINA AND THE TOWN OF BRYSON CITY.

THANK YOU FOR YOUR TIME AND ATTENTION TO OUR CONCERNS.

JAMES L. COGGINS
CHAIRMAN
SWAIN COUNTY COMMISSION
BRYSON CITY, NORTH CAROLINA 28713

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 6 1980

Mr. James L. Coggins
Chairman, Swain County Commissioners
Drawer A
Bryson City, North Carolinia 28713

Dear Mr. Coggins:

In 1978, I visited Great Smoky Mountains National Park and western North Carolina to become familiar with the park and learn more about the agreement entered into on July 30, 1943, by the Tennessee Valley Authority, Swain County, the State of North Carolina, and the Department of the Interior.

You are well aware that the Department and the National Park Service, as stated in the agreement, began construction on a road in the park along the north shore of Fontana Reservoir in the mid-1960s. Subsequently, previously unknown environmental concerns and conditions surfaced and caused discontinuation of the road project, and Congress declined further funding.

Over the years, others have proposed alternative solutions to resolving the conditions of the agreement but none have been successful. After my visit and at the suggestion of Representative Lamar Gudger, I appointed an Ad Hoc Committee to look into the controversies surrounding the agreement and to recommend possible solutions to me. The committee met and recommendations were made. Some recommendations for Departmental action were within our authority, while others were not. Members of the Swain County Commission did not accept the first recommendations of the Ad Hoc Committee. Subsequent committee meetings have resulted in proposed actions for the Department. Many of those alternatives are similarly beyond our authority.

Under the terms of the original agreement, the obligation to build the road is contingent upon the availability of appropriations. Congress has not appropriated funds in the last 10 years to continue construction on the North Shore Road. Absent action by Congress, there is no remaining legal obligation on the part of the Department with regard to the 1943 Agreement. As we have previously advised you, the Department will not request any more funds for this project because of environmental constraints.

That determination does not lessen my desire to act in good faith to equitably resolve this longstanding controversy, and to seek out ways to work cooperatively with the residents around Great Smoky Mountains National Park. Inasmuch as this situation has existed for 37 years, it is now time to resolve this controversy. We will adopt the following mechanisms whereby our efforts may be brought to a final resolution and after which time no further Federal moral obligation will remain.

Efforts to date have convinced me that the only means whereby all the expectations of the county can be met is by congressional action. I will be happy to work with the North Carolina delegation toward an expeditious legislative resolution of the problem.

In the meantime, the Department, through the National Park Service, will work with State and county representatives and take any actions consistent with delegated authorities to assist the State and county in matters that are in the best interest of all parties. Many of the recommendations of the Ad Hoc Committee are within that authority, and will be considered for action by the Department.

The following are the Department's responses to the points made in the recommendations by the committee.

If Swain County and the State of North Carolina upgrade State and county roads outside the park from Bryson City to Deep Creek and the Gailbraith Road from the park boundary to Route 19 at Ela to form a loop road from Bryson City through the park to Route 19 towards Cherokee, the National Park Service will upgrade the existing Gailbraith Creek Road within the park to complete this loop.

The National Park Service, as outlined in the General Management Plan for Great Smoky Mountains National Park, will request funds to develop an interpretive center at Deep Creek near Bryson City and funds to develop a day-use facility near the terminus of the present segment of the North Shore Road within the park.

The National Park Service will continue to work with the North Shore Cemetery Association to provide access to the existing cemeteries within the park, including transportation across Fontana Reservoir and suitable transportation on existing trails within the park. The Service will continue maintenance and upkeep of the cemeteries within the park.

The Department will support a request by Swain County to the Economic Development Administration or others for financial assistance to develop water and sewer utilities to Bryson's Branch, Toot Hollow and Deep Creek. If such service is provided National Park Service will hook onto water and sewer utility lines at Deep Creek for service to the facilities located and proposed at the Deep Creek Developed Area.

The Department will not take any action to extend the Blue Ridge Parkway beyond its present terminus at Route 441 because of environmental constraints and degradation which would occur to Great Smoky Mountains National Park by additional new heavy road construction.

The Department will not assign personnel at Bryson City as was recommended. To do so would not provide the most effective use of the park's limited personnel.

It is beyond the authority of the Department to take direct action on several of the recommendations of the committee, but we will support county actions and take every opportunity to influence others to take action to assist the county.

Specifically, the Department will support the county in attempting to secure an Economic Development Administration grant for a new 30-acre industrial site. This is in addition to the assistance the Department has already provided by contacting the Department of Commerce and the Economic Development Administration and supporting the county's request for funding for the new multipurpose center in Bryson City.

The Department also will support requests for funds and continue to provide assistance through the Youth Conservation Corps and Young Adult Conservation Corps to help develop facilities at the athletic field of Bryson City High School.

It is beyond the Department of the Interior's authority to obtain, and we will have little opportunity to influence, relief from the county's repayment on the Farmers Home Administration loan for the construction of Bryson City High School. We would await congressional initiative on this matter and would be willing to support a proposal for relief within the Department.

It is also beyond the Department's authority to provide a cash settlement for Swain County from appropriated funds. The Department will await congressional initiative for a cash settlement. Our support would depend upon a logical and equitable formula, consistent with the terms of the 1943 Agreement and actions subsequent thereto, as well as an explicit agreement by the county that the legislative resolution is in full settlement of any and all claims the State or county might wish to allege, thereby precluding litigation over this issue.

I believe the foregoing encompasses those concerns on which we may now act, and sets the basis on which we will continue to work, through the National Park Service, with State and county representatives and the Congress. If all parties will work within a 3 year time frame to accomplish the outlined objectives, I will direct the National Park Service to implement those provisions in this letter under their purview within this time period. If after 3 years legislation and full appropriations have not passed Congress, then no further action as outlined in this letter will be pursued. I wish to take this opportunity to thank the members of the Ad Hoc Committee for serving and addressing this complex and persistent issue, and providing recommendations for its resolution. Again, I encourage work with the delegation in order that we may pursue those aspects of these longstanding questions that may be resolved only by congressional action.

Sincerely,

Cecil D. Andrus

SECRETARY

DECISION SHEET

North Shore Road, Great Smoky Mountains NP

Option 1 **Cash Settlement for $5.5 Million**

________ Support Swain County's request for $5.5 million based upon their formula for the road portions of the amount only and not support the request for funds to make up for the loss of tax base.

Option 2 **Cash Settlement for $9.5 Million**

CDA Support a figure of $9.5 million based upon the value of the road in 1940 at $1.3 million and compounded annually at 5 percent.

November 28, 1980

Cecil D. Andrus
SECRETARY

Senator **Wallop**. Thank you, Mr. Coggins.

I take it from all of your testimony that you urge compromise on all sides——

Mr. **Coggins**. Yes, I do.

Senator **Wallop** [continuing]. And that perhaps the compromise isn't finally struck, but that there is still some that should be considered by both sides.

Mr. **Coggins**. Yes, indeed.

Senator **Wallop**. I thank you very much for your testimony.

Mr. Hyatt, Mr. Varner, Mr. Morris, and on deck is C.D. Bunn, Frank Gardner, George Ellison, and Harmer Weichel.

Mr. Hyatt, Mr. Varner, and Mr. Norris. I don't know which of the three you are.

Mr. **Hyatt**. I am Frank Hyatt.

Senator **Wallop**. Thank you, Mr. Hyatt.

STATEMENT OF FRANK HYATT

Mr. **Hyatt**. Mr. Wallop, I must state that the views expressed by me here today are my own as a citizen and lifelong resident of Swain County and in no way reflect the views of the Park Service by whom I am employed.

First, I agree with the committee chairman that wilderness is unnecessary in the proper management of the Great Smoky Mountains National Park.

I have only one point that has not been brought up previously by other speakers. I believe that the 44,000 acres and the mining properties could best serve the needs of Swain County as a national receation area administered by the National Park Service. I believe that the 44,000-acre tract as a recreational area would serve the needs of the people of Swain County, whereas a group can enter, such as a church, civic, accounting, family groups, and they could utilize it, whereas as a wilderness only a couple of people enter it at a time. There could be no group activities or nothing.

Thank you.

Senator **Wallop**. Mr. Hyatt, thank you.

I appreciate what it took for you to come here. I certainly understand that you are in no way representing the views of your employer but your own as a lifelong resident of the county, which you are entitled to express. Thank you.

Mr. **Hyatt**. Thank you.

C.D. Bunn, Frank Gardner, George Ellison, and Harmer Weichel. On deck is L.B. Calhoun, Willa M. Hall Truell, and the Reverend Rex Ware.

Mr. Bunn.

STATEMENT OF C.D. BUNN

Mr. **Bunn**. Yes, sir. Thank you, Mr. Chairman.

It is, indeed, an honor to have a chance to testify here today, I am C.D. Bunn, a resident of Swain County for the past 25 years and 7 months, and an avid user of the Smoky Mountains National Park and Fontana Lake, boating and hiking to areas such as Bone Valley and the copper mines that are among the park outings that are enjoyed by my family and friends. In addition, Fontana Lake provides us with summer areas for picnicking and water skiing.

I am deeply concerned that the U.S. Government has left unfulfilled for 40½ years an obligation to its people. Why has the U.S. National Park Service been able and allowed to continually divert, deceive, and in effect, negate a valid contract? In reviewing materials at my disposal, I find a pattern of diversion dating back to the late 1940's. Of specific interest is a study done by the North Carolina National Park, Parkway and Forests Development Commission, chaired by Mr. William Medford, and I quote from this study, section 3:

> In 1953 Congress appropriated approximately $392,800 for the commencement of this project. However, the Park Service refused to begin construction on the road until the State of North Carolina began construction of the part it was obligated to build. This stand was taken by the National Park Service even though the contract of 1943 required North Carolina to begin construction only after the Park Service had commenced to build their part.

Many years later, diversion, deceit, delay, and the run around seemed to be the Park Service policy. This has been allowed to continue to this day. Who is responsible? Not Swain County, as there are details of numerous hearings, meetings, studies, and alternate proposals indicating a willingness to settle this controversy.

The history of this controversy really paints a sorry picture for the integrity of many of our Park Service administrators. That kind of attitude concerns me with any proposed settlement and subsequent wilderness designation. There seems to be too much left for individual administrators to make interpretations.

I would like to see it settled by awarding Swain County at least $9.5 million, forgive the school debt, and insert language in the law that would not be left to wide and diverse interpretation among managers and administrators.

And I would like to give you a personal example that happened this past Sunday. On the Deep Creek campground trail going up to the turnaround 3 years ago there were rocks in the road. You couldn't even drive a vehicle. This particular Park Service administrator at that time decided wilderness was to be administered with no vehicles.

Well, now on the same road the rocks are removed and on Sunday afternoon I met and talked with a park ranger in a station wagon a mile and a half up the road heading up toward the turnaround. To me that's diverse administration and interpretation of the park. I am very concerned about that.

I'll continue on with my statement now.

Senator WALLOP. If you would finish it up as quickly as you can. These others still have their turn.

Mr. BUNN. OK. Here is another excerpt from the Park Service wilderness management criteria:

Boating: Boating except with motorboats and airboats is an acceptable use of park wilderness. Where the use of motor-powered craft has become established by custom or usage on lakes, streams or other bodies of water prior to their inclusion in wilderness, such use—but not with airboats—may be permitted to continue, subject to the established rules and regulations and any special restrictions that may be imposed for the protection of wilderness.

Gentlemen, that kind of interpretation is unacceptable.

Thank you.

[The prepared statement of Mr. Bunn follows:]

TO: The Honorable Jesse Helms
The Honorable John P. East
The Honorable Senator Malcolm Wallop, Hearing Chairman

I am C. D. Bunn, resident of Swain County for 25 years, 7 months, and an avid user of the Smoky Mountain National Park and Fontana Lake. Boating and hiking to areas such as Bone Valley and the copper mines are among the park outings that are enjoyed by my family and friends. In addition, Fontana Lake provides us with summer areas for picnicking and water skiing.

I am deeply concerned that the U. S. Government has left unfulfilled for 40½ years an obligation to its people. Why has the U. S. National Park Service been able and allowed to continually divert, deceive, and in effect, negate a valid contract? In reviewing materials at my disposal, I find a pattern of diversion dating back to the late 40's. Of specific interest is a study done by the North Carolina National Park, Parkway and Forests Development Commission, chaired by Mr. William Medford, and I quote from this study, Section 3.

> "In 1953 Congress appropriated approximately 392,800 dollars for the commencement of this project. However, the Park Service refused to begin construction on the road until the State of North Carolina began construction of the part it was obligated to build. This stand was taken by the National Park Service even though the contract of 1943 only required North Carolina to begin construction of the states part of the road after the Park Service had "commenced construction of the park road"."

Many years later diversion, deceit, delay and the run-around seemed to be the Park Service policy. This has been allowed to continue to this day, "who" is responsible? Not Swain County, as there are details of numerous hearings, meetings, studies, and alternate proposals indicating a willingness to settle this controversy. The history of this controversy really paints a sorry picture for the integrity of many of our Park Service administrators. That kind of attitude concerns me with any proposed settlement and subsequent wilderness designation. There seems to be too much left for individual administrators to make interpretations.

I would like to see it settled by awarding Swain County at least $9,500,000, forgive the school debt, and insert language in the law that would not be left to wide and diverse interpretation among managers and administrators.

Example: From "Park Service Wilderness Management Criteria"

Quote: "Boating - Boating except with motorboats and airboats is an acceptable use of park wilderness. Where the use of motor powered craft has become established by custom or usage on lakes, streams, or other bodies of water prior to their inclusion in wilderness, such use (but not with airboats), may be permitted to continue subject to established rules and regulations and any special restrictions that may be imposed for the protection of wilderness." End quote.

Gentlemen, that leaves the matter open to all kinds of manipulating by local administrators and managers. I ask you to spell out the final law in black and white. Do not let future administrators and managers make interpretations to suit their beliefs and desires as has been done in the very recent past. Please use your power and votes to settle this issue to the benefit of Swain County and future users of the park and surrounding areas.

I ask you, is 9½ million dollars plus the cancellation of the school debt enough? I think not, but being realistic to our changing times, I am very willing to accept the above suggested settlement along with some definite restraints on how park administrators interpret policy plus an equitable settlement for Swain County people. Please do not allow this traversity to continue.

CD Bunn

C. D. Bunn
P. O. Box 579
Bryson City N.C.
28713

Senator WALLOP. Thank you, Mr. Bunn.

Would you identify yourself? I don't know who you are.

Mr. ELLISON. Senator Wallop, I am George Ellison.

Senator WALLOP. Please proceed, Mr. Ellison.

STATEMENT OF GEORGE ELLISON

Mr. ELLISON. I am an 11-year resident of Swain County. I work for the library system in this area.

Ideally there should be a cemetery access road into the southeastern quadrant of the Great Smoky Mountains National Park. Because of Fontana Lake that particular region of the park offers unique difficulties to those wishing to honor the members of their deceased relatives. Those unique difficulties in terms of access, which is different from the rest of the park, should be recognized. Such a road would in no way violate the so-called wilderness qualities of that beautiful land. It was, indeed, inhabited by many generations of mountaineers who lived, worked, loved, died, and were buried there. To pretend otherwise would lead to ignorance and subterfuge.

Unfortunately, I don't really think the uniqueness of this situation is going to be recognized. I don't think such an access road is ever going to be a reality. Some of those who have fought over the years for this concession have told me that deep in their hearts they don't really think so, either, but they are still fighting what they consider to be a good fight.

And neither do I think Senator Helms can gain this concession. Environmental lobby is simply too strong, once you get to Washington. Anyone looking closely at the background of this 1943 agreement controversy quickly sees that the issue in the past has only come to a boil at best about every 5 years. There have, indeed, been intervals of 12, 13, 14, and 15 years in which very little has happened.

So a stalemate in the legislative process that you are trying to implement probably means the county is looking at the late 1980's as the next time to act. Even then the cemetery access road probably won't be a real possiblity. By then the county would have paid another half-million dollars or more on the high school debt. It won't have a $9.5 million principal to provide the interest funds it needs to provide a substitute for the lost tax base. There wouldn't be the necessary funds for the school services, which Superintendent Causby outlined, and other basic community services. So this leaves Swain County in my opinion between a rock and a hard place.

As I see it, the county can go on fighting an honorable but losing battle or we can bite the bullet and put this matter behind us. I think this means, one, accepting the $9.5 million and forgiveness on the $1.6 million FHA high school loan in lieu of the road that was promised;

Second, specific legislative language which insures permanent access to and maintenance of grave sites;

Three, specific legislative language which insures at least that the present levels of use on Fontana Lake and other areas adjoining the park;

And, four, no buffer zones whatsoever outside the park.

I don't think, Senator Wallop, in conclusion, that you or Senator Helms or members of your subcommittee can implement the legislative vehicle which will obtain the access road in the face of the environmental lobby, but I hope I'm wrong.

Senator **WALLOP**. Mr. Ellison, thank you for the eloquent statement and rather poignant comment.

We have such influences. It is generally they who complain that lobbying efforts are too strong and that their voice is not heard, but I think we hear another voice calling out there, and I promise you we will try to do something. I hear what you are saying, that, in effect, capitulation with something is better than waiting for a victory down the road, but not necessarily is all lost. We will certainly look into all the options that are offered us. And I thank you. Thank you very much.

Mr. Calhoun, Willa M. Hall Truell, Mr. Cole and the Reverend Rex Ware.

Mr. Calhoun.

Ms. **CALHOUN**. I am Mr. Calhoun's daughter-in-law and I am speaking for him.

Senator **WALLOP**. That's fine. Could you state your name for the reporters?

STATEMENT OF MARGARET CALHOUN

Ms. **CALHOUN**. I am Margaret Calhoun.

Mr. Chairman, Mr. Calhoun was born and raised in the lower end of Swain County. He married and raised one girl and three little boys. His land was taken from him, like the rest of the people's that lived down there.

We are in favor of Senator Helms' bill and for the road for our people to go see, whether they are grandparents or aunts or uncles, their friends, and the other people down there.

What I would like to know is why people of the other States can come in here and tell us what should be done with our country, when the road that has been promised to us for so many years.

Thank you.

Senator **WALLOP**. Thank you very much.

Is it Miss Hall Truell?

STATEMENT OF WILLA MAE HALL TRUELL

Ms. **TRUELL**. That's right, Willa Mae Hall Truell.

Mr. Chairman, I appreciate this opportunity to speak. It has been a long enough time, better than 40 years, but, nevertheless, I support Jesse Helms' bill wholeheartedly for it's the only bill that I have read—and I have got copies of all the bills—that takes in all of the people. It don't just provide for part of them. It provides for all of us.

And as for the $9.5 million, one point I would like to bring out right here is that had it not been for we, the displaced people, there wouldn't have been a $9.5 million compensation to Swain County.

Also, if my memory serves me correctly, in 1943 when they made us the promise of this road, Swain County got $400,000 to compensate them in their taxes for this area for 20 years. Now, I know that's a small amount and all that, but they did. It was in the papers. I don't have any legal proof but it was in the papers. That was a fact.

And one other thing I would like to say right here, too, is that in listening to all this today I feel sure that you will agree with me not one person of the displaced people down there has had one word to say about the education, about Swain County getting their $9.5 million. We are glad to see that, because we enjoy children having good educations, and we have worked hard to send ours through school, and it's not easy.

But, anyhow, not one time have I heard anybody in the North Shore Cemetery Association say one word about Swain County not getting this, because we believe in that. That's part of our heritage, too. We were born in Swain County.

And one other thing that I would like to bring about is in all these cemeteries I have relatives. Both of my great grandfathers fought in the Civil War. One of them fought with Thomas Legion, famed 69th Regiment, and that's history, too.

And another thing is that two companies of that 69th Division, Company A and Company B, were Cherokee Indians. They fought right alongside our forefathers and our pioneer people that carved our homes that we are fighting so hard to get a road back to, to build them, and most of them did with just their bare hands, what you might say. They went in with maybe one little blade, a crow or just any little simple tool and the clothes on their backs and a few seeds.

Now, I have been researching my family history here for about 5 years, and I have come up with so many things that people just—well, some people here today, I have noticed they don't seem to care for the dead, and I'll agree with this man here in what he said there, and with the environmentalists I disagree, because my Bible teaches me—and I am a Christian and I am a believer that God made man and he made the animals, and he made man just a little bit above the animals.

So, therefore, I think we need this road that was promised to us in spite of the environmentalists. We didn't have environmentalists in the Hazelwood area when I was born and reared down there, and we didn't need them. We loved the park. We visit the park and we like to see other people, too, but the thing that bugs me is that out of all this they want to support the other bills, but they never mention these displaced people.

We have got one thing out of that in 40-odd years and that is a promise of a road, and that's all that we have, after 40 years, is the promise of a road.

Thank you.

[The prepared statement of Ms. Truell follows:]

[illegible] Morning [illegible] Chairman distinguished speakers [illegible] Gentlemen. [illegible] Hulda Mae Hall Trull [illegible] [illegible] Creek [illegible] Swain Co. I support the [illegible] [illegible] [illegible] (S-2183). This is the only fair & honest [illegible] to all concerned. I would like to [illegible] [illegible] [illegible], but it that [illegible] for [illegible] the [illegible] people in the [illegible] been labeled [illegible] [illegible] [illegible] no compensation to Swain Co. [illegible] [illegible] [illegible] that I may point [illegible] [illegible] [illegible] said Swain Co. to compensate [illegible] [illegible] [illegible] lands in [illegible] [illegible] [illegible] [illegible] all the [illegible] [illegible] promised that a road would be built. For more than 30 years all the [illegible] [illegible] [illegible] [illegible] in [illegible] Road [illegible] [illegible] road. We [illegible] [illegible] desire [illegible] [illegible] [illegible] settlement to the 9200000.00 "million", [illegible] [illegible] [illegible], but the [illegible] [illegible]. [illegible] people are saying [illegible] [illegible] the [illegible] timber lands & [illegible] [illegible] [illegible] [illegible] their research [illegible] [illegible] [illegible] would grow up. Don't remember [illegible] [illegible] [illegible] the road. I [illegible] [illegible] [illegible] Public, Pasture lands Churches Schools, & [illegible] homes and all [illegible] [illegible] [illegible] [illegible] meant so much to [illegible] [illegible] [illegible] sister, a grandfather, a great grandmother & both my great grand-fathers helped to open up the land out of a real wilderness. I have Close relitives buried in most of these Cemetaries. Some of these relatives fought in the Civil War & some in WWI. They have had no recognition Some of these) ___ ___ in all these years on Memorial Day. Not even a small flag. I think it would be shameful for these brave & Courageous men [illegible] to be forgotten & left in a wilderness - I think our government should build memorials as many Cities & Towns have. Some of these veterans fought with the famous Thomas Legion - The 69th Regt. They also had a Co A & Co B - made up of Cherokee Indians.

[illegible] Have we forgotten about our treatment to the Cherokee? They to had un-full filled Promises, but still had to march to Oklahoma, Do we want this issue of our Promised Road to be another Trail of Tears? I sincerely hope & pray if there is no law in existance to protect these veterans of many wars that some one present here today work to see this doesn't happen again

3. I feel very strongly that our government should at least honor this promise of a Road so our children & their children may see & enjoy their heritage.

Thank you

Nella Mae Bell Small

Senator WALLOP. Thank you, Ms. Hall Truell.

Mr. Cole.

Mr. PROCTOR. I am Troy Proctor and I would like to speak in behalf of Mr. John Cole, who could not be here due to the illness of his wife.

Senator WALLOP. It is Troy Proctor?

STATEMENT OF JOHN COLE, AS PRESENTED BY TROY PROCTOR

Mr. PROCTOR. Yes, sir.

This is a statement from John Cole:

> My wife, Emaline Woody, and I are eight-three years old. We were born at Forney Creek. We remember well how life was before TVA and Fontana Dam. We also remember the promised road which was started at both ends and never finished. We have talked about this road and expected it to be finished many times.
>
> We were taught and, in turn, taught our children to care about our ancestors. Travel was limited to us so we walked along with our children to the cemeteries, never dreaming they would be closed off from us.
>
> With the wilderness proposals, it seems we are being shut out even more. We are getting on into years and would like to see our Government make its people important once again.

Senator WALLOP. Thank you, Mr. Proctor.

Reverend Ware. He is not here.

Do you have a statement, sir?

VOICE IN THE AUDIENCE. No.

Senator WALLOP. I appreciate it very much. I thank you for your testimony here today.

Mr. Byers, Bruce Byers, Ward Crisp, John Smith, and Dave Dickey. On deck are Hugh Irwin, Marilyn Sherrill, and Kathy Kirkland.

Bruce Byers, Ward Crisp, John Smith, and Dave Dickey.

We'll go on to the next panel then: Hugh Irwin, Marilyn Sherrill, and Kathy Kirkland. On deck will be Paul Trelkeld, Paul Dinwiddle, Jane Orleans, Sara Simms, and Tom Swindell.

Are you Hugh Irwin?

Mr. IRWIN. Yes, sir.

Senator WALLOP. Please proceed.

STATEMENT OF HUGH IRWIN, TENNESSEE CHAPTER, THE SIERRA CLUB

Mr. IRWIN. I am Hugh Irwin representing the Tennessee Chapter of the Sierra Club.

Senators, 50 years ago, great forethought was shown in the creation of the Great Smoky Mountains National Park. A start was made in preserving for all a sample of the great wilderness our forefathers found when they settled this part of the country. In many ways it would be easy to let this area follow the course of development it had already begun, crisscrossed by roads and its richness subdivided by economic demand and individual needs. The loss to us all—to us, to our children, to our children's children, and to all generations—would have been incalculable. Our National Park System is a tacit acknowledgement of the value of our natural heritage. Can anyone who stands in the midst of this wilderness doubt its value?

But the task is not complete. Although the Smokies have been managed as wilderness, this is too precarious an arrangement, subject to mistakes in judgment. Building of more roads in the Smokies would be a mistake, whittling away and damaging the natural system. I ask you to please oppose any effort to legislate roadbuilding in the Smokies and support the designation of at least 467,000 acres of wilderness in the park as the Sasser/Baker bill, S. 1947, suggests.

I also urge you to settle the 40-year controversy over road construction north of Fontana Lake by paying Swain County a monetary settlement in lieu of road construction. The proposal to build a North Shore Road in addition to the monetary settlement only impedes settlement of this issue which has dragged on too long.

Senator **Wallop**. Thank you, Mr. Irwin.

Let me ask a hypothetical question, and if it is unfair just tell me to go to hell. OK?

If I took the house in which you lived today and promised to build you another one of similar characteristics, and in 40 years I hadn't done that, would you feel happy if I paid the Swain County Commissioners $50,000 and said I had settled with you?

Mr. **Irwin**. No, but I don't think it would be wise to destroy the natural integrity of the park in order to benefit——

Senator **Wallop**. That's going a little beyond my question. It was all there at a time the commitment was made, and I am just saying, supposing I had taken your house? You have no place.

Mr. **Irwin**. I see a monetary settlement in lieu of that.

Senator **Wallop**. But it's being paid to somebody else. You know, that's all that is bothering me. A promise was made by people who had a direct, personal, historic family interest——

Mr. **Irwin**. I think it has really been impressed on me today that a lot of injustice was done in that, but if justice were truly served, I think, you know, that the park should be turned back over to the Cherokees, perhaps, and I think it is somewhat useless to try to correct past mistakes by jeopardizing the integrity of the park.

Senator **Wallop**. If that were wholly the case, I might agree with that. I am not persuaded that it is impossible to do that. But that's the thing we will have to find out on both sides.

But I am troubled, and it's not you—I mean, I am not picking on you. I am just picking on the concept here, because everybody says that the debt to the people who were moved off the land is paid by satisfying somebody else's needs, and there is something that is inconsistent and troubling me from just a moral standpoint.

Mr. **Irwin**. I see the moral dilemma, but I don't really see how that can be rectified.

Senator **Wallop**. You don't trouble me for thinking on that, though, do you?

Mr. **Irwin**. No; not at all.

Senator **Wallop**. It is bothering me, what I am hearing here today and I don't know how to come to grips with it, and I am glad to see it troubles you, as well. It's just one of those things that is wrong and somehow or another in some way it must be righted, as well as we can for the people, and I don't know what that solution is but I will be looking for it.

Mrs. Sherrill, Marilyn Sherrill.

STATEMENT OF MARILYN WELCH SHERRILL, MEMBER, NORTH SHORE CEMETERY ASSOCIATION

Ms. **Sherrill**. My name is Marilyn Welch Sherrill, and I am a member of the North Shore Cemetery Association.

My ancestors first came to the area in 1830. I also was born down there, and all of my life I have been told that the Government promised us a road back to our cemeteries when they moved us out in 1944. My father volunteered for the Navy during World War II, and when he came back home after the war he could not find us, as they had moved us out, and he never saw his home place again.

And all we are asking for is a dirt-gravel logging-type road built back to the cemeteries, not a big four-lane highway. I have five generations of my ancestors that are buried there. And I also feel like if they want more wilderness, let them take it out of Tennessee and not North Carolina.

I would like to support the Helms-East bill and ask for the $9.5 million for Swain County, the school bond issue to be dismissed and a little dirt road back to our cemeteries.

Thank you.

[The prepared statement of Ms. Sherrill follows:]

March 8, 1984

Senator Jesse Helms
PO Box 2944
Hickory,N.C. 28603

Dear Sir:

I was borned and raised in Swain County. My great-great-great-grandfather and great-great grandfather moved to the North Shore Area in 1830 and we continued living there until 1944 when we were forced to move out. My grandfather, and his parents and his parents plus aunts and uncles are still buried down there. I was never able to go back to the place of my birth until we started the visits several years ago.

Now I am as patriotic as anyone in the United States and I dearly love this country. My father volunteered for the Navy in WWII and when he came back home they had moved us out and he never saw his birthplace again. My husband died for our country and I am raising two children., and never had a welfare payment in my life.

I love the woods as good as anyone can but we have enough wilderness already. It is not fair to limit us to visit our relatives that are buried down there. I was born on [illegible] Creek and had to move out when I was three years old. The government promised us a road and have lied to us all these years.

If Tennessee wants more wilderness let them take Cades Cove and Gatlinburg and some of their other places.

I have been a Democrat all my life but have always voted for whoever I thought was right. Needless to say you have my vote for I am extremely upset with Jim Hunt for backing the Baker-Sasser Bill as are most of the people in Swain County. I am a very conservative person and disagree with most of the liberals ideals.

You know, all we are asking is a dirt-gravel logging type road not a two lane paved road. We are very careful, we do not destory the wildernness or throw down trash, and are probably more conscious of the place than the environmentalists because we love the place so much, so for them to say we would destory it is a bunch of bull.

I would appreciate all you can do to help us.

Yours truly,

Marilyn Welch Sherrill
Marilyn Welch Sherrill
49 Hillcrest St.
Sylva,N.C. 28779

I request to speak at the meeting on March 16, 1984.

Senator **Wallop**. Thank you very much.

Kathy Kirkland.

STATEMENT OF KATHY KIRKLAND

Ms. **Kirkland**. Yes; my name is Kathy Kirkland, and I am here to show support for the Helm-East bill. I think—it's my personal opinion it's the only fair bill to all of the citizens of Swain County.

My grandparents was moved off of their land on Hazel Creek and Pilkey's Creek. They was born down there and my parents was born down there, and I am real proud that my ancestors come from down there because I have always been taught that history and your ancestors are a very important part of your history.

My grandparents were paid $38.17 an acre for their land, is what they got, and I would like to ask you how many of you would sell your land for $38.17? That was a pretty unreasonable offer, but I am not here to argue that. I am just here to say that I think we deserve our road. I mean, I am willing to walk back through there and I am able to hike the 17-14 miles to go back to the cemeteries. It don't hurt me that much, but to see my grandparents go back through there—and my grandfather had a blood clot and has a heart condition and everything else, and he is not able to be here today. And he has not been able to go back one time to visit the graves of his brothers and sisters and mom and dad that's buried back there.

And the park people, they say they will provide us with adequate transportation, which is true. The park does provide us, you know, with transportation to get back there, but it's not fair nor adequate by no means, and I am here to say that when people sit in each other's lap, grownups do, that I just don't see why 70- and 80-year-olds have to sit in each other's lap to get back up through there or be late for the ceremonies. To me that's not right.

And I have my great uncle buried up there that fought in World War I. He is a veteran, and I want to go back on Memorial Day and show my respects to him, like they do in Washington for the Arlington Cemetery. We have a lot of veterans who proudly fought for our country, and I feel we should show the same respect to them as we show the other veterans in the United States who risked their lives to fight for our country.

I mean, I am an honest, God-fearing, believing person, and I think the Government should hold up their end of the deal. We held up our end and moved on out and now it is time for the Government to do the same.

Thank you.

Senator **Wallop**. Thank you, Kathy. I appreciate your coming here, and I'm sure your grandfather would be pleased at what you said.

Paul Trelkeld, Paul Dinwiddie, Jane Orleans, Sara Simms, and Tom Swindell. On deck is Helen Kirkland, Roy Jones, Jean Hall Sparks, and Frank Parton.

I might just say for the benefit of those of you who are yet to come on the witness list, after this panel that is approaching there are eight more panels, and I'm obliged to leave your airport by 4:15, but people have come here in the expectation that they will be heard, and the Senate committee makes it possible for me to assign to Mr. Bevinetto, as my temp, the ability to stay here and to receive your testimony. It will go in the record as if it were given in front of me. I ask your indulgence and understanding, but I have to get back to Washington yet this evening for an obligation that is there.

I want to say something else in advance of this. It has been a most interesting day, and it is obvious to me that legitimately there are strong feelings on all sides of these issues. You are lucky to be in a place where people care so much about things that are of value, and both sides have cared for things that are of value here. The principal issue is that 43 years is too long to resolve an issue that should have been resolved at the outset.

It is my hope and my desire that something happen here. I am only 1 Member out of 535 Members of the Congress and cannot promise that it will get done, but I promise you one thing: We will work to resolve this in the best interests of the most people that are interested in the legislation

You have heard me express the concerns I have about the moral dilemmas that are here. If I knew the answer to it and could persuade others of it, I would tell you what that is, but I can't tell you because I don't know. That is something that has to be struggled with, but I thank everybody that has come here and testified, and I especially thank those who are to testify after I leave for their understanding and indulgence of that fact. Rest assured that the record will be reviewed very carefully by me and other members of the subcommittee.

It has been a very informative, sometimes emotional and legitimate hearing here. Please rest assured that I understand the issues from all perspectives. Like everyone else, I was born in the mountains, the Tetons, and part of them will influence the direction in which I travel on this, but the direction which I travel is not necessarily the one which everyone else will. But we'll try to push it to some sort of resolution for you.

With that, I will call Mr. Paul Trelkeld, Mr. Paul Dinwiddie, Jane Orleans, Sara Simms, and Tom Swindell.

I got one of you. Fishing ought to be better than that. Which one are you?

Ms. **Simms**. I am Sara Simms.

Senator **Wallop**. Sara, please proceed.

STATEMENT OF SARA SIMMS

Ms. **Simms**. I am Sara Simms and I thank you for this opportunity to speak at this hearing. I speak for the Greater Knoxville Area Audubon Chapter, Knoxville, TN. We prefer the Baker/Sasser bill in regard to the access road and the settlement with Swain County.

I have visited the Hazel Creek area, and I sympathize with those who have loved ones in the cemeteries, but our concerns must be for the living now and for the generations to come, and to protect this area from other intrusions through developments, strains of any kind, we need to keep Fontana Lake less acid than it is now for fishing opportunities.

Thank you very much.

Senator **Wallop.** Thank you, Miss Sara. I appreciate your testimony.

The next panel is Helen Kirkland, Roy Jones, Jean Hall Sparks, and Frank Parton, and on deck is Doris Sollomon—Oh, I'm sorry—and Daniel Hale.

On deck will be Doris Sollomon, Ken Warren, Helen Warren, Herb Pomerance, and Orren Sergeant.

And in the midst of this panel you will indulge me. I will quietly step out and you just please continue this.

Mr. Hale.

STATEMENT OF DR. DANIEL PAYNE HALE

Dr. **Hale.** The Great Smoky Mountains National Park is recognized worldwide as—or at least what ought to be—as a real International Biosphere Reserve that is not officially a wilderness area, even though this Nation is a nation in which the idea of a national park was born. This gross incongruity urgently needs rectification that would be provided by Senate bill 1947. I will recommend that Senate bill 1947 or any other bill be improved by including in the wilderness area Parsons Branch Road, which is one-way, gravel, opened but seasonally; maintaining this nonwilderness road, less than 8 feet wide, corridor slices one wilderness area into two separate areas, and unwisely provides a seed for future road construction and destruction of the park's wilderness integrity, being inconsistent with what ought to be a principal sine qua non, namely, wilderness nuture—wilderness preservation for most of the Great Smoky Mountains National Park.

Now, I will direct your attention to two other matters:

One, the esthetic improvement of the Bryson City area;

And, the second, to a serious threat to the Great Smoky Mountains National Park.

I would recommend that Fontana Lake be made a constant level lake; eliminate all pollution in the watershed above Fontana Dam. Presently on the average the level of Fontana Lake fluctuates 180 vertical feet a year, creating an extremely unsightly drawdown belt along all of its shoreline. Fontana Lake is used for flood control. Fontana Dam is used for power production and to regulate the level of Fontana Lake to properly provide water to maintain navigational depths downstream. These purposes can be achieved by other means.

And tertiary sewage treatment plants are needed at Sylva and Bryson City.

Second is a matter of threat. The threat is the damage being done to the great Smoky Mountains National Park by the exotic wild boar introduced not far from Bryson City in about 1912. This animal can reduce understory plant cover to less than 5 percent of undisturbed values, destroys and may threaten extinction of over 50 species of wildflowers. It is a source of water pollution by virtue of which one cannot safely drink from even streams in the virgin forests of our national park. I recommend that you-all visit the Uplands Field Research Laboratory in Denver and learn about that damage in detail.

Finally, what we save of the Smokies now is all we and the multitudes of those of us that will follow us will probably ever have for our enjoyment and enlightenment. There is a detailed discussion of my statement and explicit reference to my written statement. Please hold all conclusions tentative until you have seen all my material.

[The prepared statement of Dr. Hale follows:]

SENATE INTERIOR AND NATURAL RESOURCES COMMITTEE HEARING
ON GREAT SMOKY MOUNTAINS NATIONAL PARK WILDERNESS

held in
Federal Building, Bryson City N.C. March 16, 1984

Gentlemen of the Senate you have the opportunity to amicably settle a controversy of long standing concerning the preservation of the Great Smoky National Park primarily as wilderness by the passing of Legislation

Senate 1947 or H.R. 4262
and the rejection of
Helms-East bill Senate 2183.

The major purpose of the Helms-East legislation may NOT be the seeking of its own passage but really to prevent the passage of Senate 1947. This Helms-East bill (1) Senate 2183 would not settle and indeed may very well exacerbate/revive the bitter controversy of the last 35 years. Here in this room today are many who were once antagonists but who are now in full agreement in their endorsement of Senate 1947 - H.R. 4262.

This legislation Senate 1947 / H.R. 4262 proposed and sponsored by Senators Sasser and Baker and Representatives Duncan and Clarke has been unanimously endorsed by all of the following governing bodies and officials:

Swain County Board of Commissioners on December 12, 1983
Bryson City Board of Alderman on December 13, 1983
North Carolina National Park Parkway and Forests Development
Council on October 18, 1983 and January 9, 1984
Great Smoky Mountains Park Commission on March 25, 1983 and February 10, 1984
Governor James Hunt of North Carolina on January 9, 1984
Governor Lamar Alexander of Tennessee on December 30, 1983.

The present situation wherein the Great Smoky Mountains National Park is recognized worldwide as - or at least, what should be - an International Biosphere Reserve and yet being, even in the nation where the idea of National parks was born, the Great Smoky Mountains National Park is NOT officially a Wilderness Area, all of this together is a gross incongruity urgently needing the rectification which would be provided by Senate 1947 and H.R. 4262.

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(1) I understand that Senator Helm's Senate 2183 was proposed/introduced AFTER the suit filed by several individuals for rights of access (which they essentially have already) to cemeteries on the North Shore of Fontana Lake, was dimissed by the Federal Court circa December 1983.

Most of the salient issues of the previous controversy now bidding to end are well discussed in

The Official Record of the Hearing On Wilderness Preservation
of the Great Smoky Mountains National Park

held in this very room June 15, 1966. My remarks then are - should this controversy be revived by Senate 1947 not being passed - trenchantly relevant and appear on page 293 et sequens of the Official Record cited above; and I do have copies here with me. Relative to the 1943 Fontana Agreement - on which I specialize - I explain there in detail why there was never any obligation on the part of the United States to build a road through the Great Smoky Mountains National Park on the north shore of Fontana Lake or across the Park because as explicitely stated on page 12, second and third paragraphs ending on page 13 of such an obligation is - and I quote from the third paragraph - 1943 FONTANA AGREEMENT

> "... contingent in all respects upon the appropriation by Congress of all funds necessary for such construction, and failure on the part of Congress for any reason to make such appropriations shall not constitute a breach or violation of this agreement by the Department (Interior) or any other party hereto." (underlining mine)
>
> signed by Harold L. Ickes, Secretary of Department of the Interior, and by R. D. Estes Chairman of the Board of Commissioners of Swain County, N.C.
> on October 8, 1943

If an attempt is made to substitute the Helms-East Bill for Senate 1947 devotees of the Great Smoky Mountains National Park will probably oppose it; and in their endeavors to kill undesirable legislation for the Great Smoky Mountains National Park, they have never failed. If Senate 1947 is not passed both the Great Smoky Mountains National Park and Swain County as well will be losers.

I recommend that Senate 1947 be improved by including in the Wilderness Area, the Parsons Branch "road" which is one way, gravel, but seasonally open, road; maintaining this non wilderness, less than 8 feet wide, corridor slices one wilderness area into two separate areas, unwisely provides a seed for future road construction and destruction of the Park's wilderness integrity, being inconsistent with ought here be a principle sine qua non - namely wilderness nature/wilderness preservation for most of the Great Smoky Mountains National Park.

For the enlightment of this Committee I direct your attention first to an opportunity to effect a great aesthetic improvement of the Bryson City area, and secondly to a serious threat to the Great Smoky Mountains National Park. The opportunity - discussed toward the end of my statement in the June 15, 1966 Hearing cited above, in section e) is:

in agreement with the recommendation of the National Park Service's Master Plan Study Committee Report of August 31, 1964, make Fontana Lake a constant-level lake and eliminate all pollution in the watershed above Fontana Dam. Presently on the average the level of Fontana Lake fluctuates 100 vertical feet a year, causing an extremely unsightly drawdown belt along all of its shoreline. Fontana Lake is used for flood control, and Fontana Dam is used for power production and to regulate the level of Fontana Lake to properly provide water to maintain navigational depths downstream; these purposes can be achieved by other means! And the elimination of pollution may be accomplished by tertiary sewage treatment at least at Silva and Bryson City N.C. - all of the above to realize a clean, constant-level Fontana Lake of pure mountain water set among the mountains of western North Carolina with beautiful forests right down to the water's edge, combining the attractions of Smoky Mountain wilderness on Fontana's north shore with those of a vast, intricately contoured, clean - possibly clear, lovely lake. The entire area then might easily become one of the most popular resort areas of the Eastern United States.

Secondly- the threat is the damage being done to the Great Smoky Mountains National Park by the exotic wild boar (Sus scrola L.) introduced not far from Bryson City circa 1912. This animal can reduce understory plant cover to less than 5% of undisturbed values, destroys - may threaten extinction of some - over 7[illegible] species of wild flowers, and is a source of water pollution by virtue of which one cannot safely drink from STREAMS even in the virgin forests of our national park. The wild boar carries the disease leptospirosis. The destruction inflicted on the Great Smoky Mountains National Park has been studied in detail② for years at the Uplands Field Research Laboratory, Great Smoky Mountains National Park Twin Creeks Area Phone: Code (615)436-7120. I recommend that you as stewards of our national parks visit Uplands Field Research Laboratory.

Finally as was said in 1966, whatever we preserve of the Great Smokies now is all we and the multitudes which will follow us will probably ever have for our enjoyment and enlightenment. It is now in Congress's power to establish as national policy the cherishing of our Great Smokies primarily as wilderness.

Daniel Payne Hale

Daniel Payne Hale
Huntsville, Alabama March 14, 1984

② The Effect of the European Wild Boar (Sus scrofa) on the High Elevation Vernal Flora in Great Smoky Mountains National Park, Bulletin of the Torrey Botanical Club, Vol. 101, No. 4 pp 198-206

The Effect of the European Wild Boar on the Woody Vegetaion of Gray Beech Forest in the Great Smoky Mountains, Uplands Field Research Laboratory Management Report No. 18, October 1977.

Senator **Wallop**. Thank you, Dr. Hale.

And I would also appreciate it if you and others who have expressed concerns about the wild boar might in a written statement of some kind give us your solution to that problem.

Dr. **Hale**. Gladly. Here are publications on the wild boar.

Senator **Wallop**. OK. We will make them part of the committee's files.

Dr. **Hale**. Yes. They are referenced in here.

Senator **Wallop**. OK. Thank you.

Now, I am about to leave before I call on the next one.

Are you Miss Kirkland?

Ms. **Sparks**. No. I am Jean Sparks.

Senator **Wallop**. But I want to thank you before I go, Tom Williams and Susan Whitehurst of the committee, as well as Tony Bevinetto, Mr. David Craft from Senator Helms' staff, and Joe Murray from Senator Helms' staff, and I want to thank John Cook, superintendent of the Great Smoky Mountans, and Gary Overhart of the Blue Ridge Parkway, and Pat Headley, who is our court reporter, who has not only been able to report what I said, which is a genius thing, but what you all said, which is also a genius thing. I appreciate it very much.

Ms. Kirkland, would you please proceed?

STATEMENT OF HELEN KIRKLAND

Ms. **Kirkland**. My name is Helen Kirkland, and I am a lifelong resident of Swain County.

My parents lived on Hazel Creek and were forced to move out and relocate when the Fontana Dam was built. I have aunts, uncles, great grandparents and numerous other relatives buried down there in the north shore area, but I can't understand why or how the U.S. Government can lie to us for over 40 years. They promised before our people left that they would build us this road back, and that is all we have ever got for leaving our homes and loved ones behind, is 40 years of lies and empty promises.

If we can't trust the Government of the United States, then whom do we put our trust in? Everyone talks about how the Indians and the blacks of this country were mistreated, and I agree with that wholeheartedly—they were—but what about us, forced to leave our homes and our homelands, paid practically nothing for it. No one can deny the fact that we were forced to leave and paid practically nothing for our land, and I don't know how the members of the Sierra Club and all of these other organizations which seem to be out here in full force today feel about that, but to me it is a great injustice.

We were done wrong, and the only way the U.S. Government can right this wrong is by doing what they promised to do some 40 years ago.

There are 27 cemeteries located in this area with over 800 graves, and last Veterans' Day as I sat in front of my TV watching the different activities carried on to honor our veterans, I thought of my Uncle Frank down there, who was a veteran. I would have loved to have walked back to his grave that day, but there wasn't a boat.

The last time I took Aunt Gert back, who was almost 80 years old, I had to push her up the banks to get to his grave. Is that adequate access? No.

And something that Roger Smith said here a few minutes ago—I believe he said he was chairman of the Sierra Club--about the Helms/East bill opening old wounds. It is absolutely impossible to open a wound which has never closed. Our wounds have never closed from being forced off of our land and everything.

And as far as us remaining silent for 40 years, we have not remained silent, but there is one essential thing: Before you speak, you have got to have somebody to listen, and we didn't have nobody to listen to us until Senator Helms came in and started trying to help us, and we appreciate his efforts and his help. He was talking about the Swain County Commissioners, in speaking for us—them, Clarke, Hunt, none of these people speak for us. We are still perfectly capable of speaking for ourselves. They made their decision. they backed their bill before they every held any hearings with us, before they ever heard any of our testimony, and I want that made perfectly clear here, that they did do that.

We have been promised everything from chill balls in July to air-conditioning in Hades since we left our home, and we have gotten nothing. And I stood out in the hall a few minutes ago and I heard a woman say, "In 10 or 15 years these old codgers will be dead. It will be forgotten."

It will never be forgotten, because our children and our children's children, it will be carried on until the Government does what they promised to do and build our road back in to this north shore area.

For this reason I support the Helms/East bill. Neither Swain County nor the Sierra Club either will lose a thing if this bill passes. If Baker, Sasser, and the Sierra Club and all these other different wilderness organizations want more wilderness, let them go back to Tennessee. They have plenty of park land over there that has not even been proposed to be put into wilderness yet. Just leave the north shore tract out and build the road like you promised.

Thank you.

Mr. BEVINETTO. Thank you, Ms. Kirkland.

Ms. Sparks.

STATEMENT OF JEAN HALL SPARKS

Ms. SPARKS. Mr. Chairman, my name is Jean Hall Sparks, and I was born in Swain County in the Fontana area on August 14, 1929. I moved to Haywood County with my parents in 1943, and I am almost afraid to say where I live now, but I live in Pikeville, TN.

I have heard so much controversy about Tennessee today, but there is a lot of good people that still lives in Tennessee that still has a lot of relatives in North Carolina, so I am real happy to have been acquainted with the people that I have met the last few years that has been striving to get the road back to the cemeteries.

Due to a heart condition that was caused when I had rheumatic fever when I was about 9 years old, I have only tried one time to come back, to walk up the hill, and that was 1980. I have sisters and brothers and grandmothers and aunts and grandfathers and great grandfathers all buried in the Cable Cemetery, and unless there is access I would be afraid that it may be my last time to come, due to the heart condition that I do have.

And my father died at an early age at 51, and he had emphysema, and a lot of it was caused by working in the mines, which he faithfully worked 18 years before we did have to move. I am just saying that I am here and I want to support the bill, the Helms' bill, so that they can hopefully fix the road that everybody does really need to go back to visit their relatives.

And I think really—in talking about Tennessee again, I think there is really a lot of wilderness—not considered wilderness, but the park that the Tennesseans do have ample of trees and ample parks that they can enjoy without having all the extra acres added, and I sure do appreciate someone letting me speak today.

Mr. BEVINETTO. Thank you, Ms. Sparks.

Next panel is Doris Sollomon, Ken Warren, Helen Warren, Herb Pomerance and Orren Sergeant, and the panel on deck is Mrs. A.E. Bradshaw, Roy Payne, Earl Ball and Thelma Almond.

Your name?

Ms. SOLLOMON. I am Doris Sollomon.

Mr. BEVINETTO. Ms. Sollomon, go ahead.

STATEMENT OF DORIS SOLLOMON

Ms. SOLLOMON. Mr. Chairman, my testimony or my statement is going to be somewhat different from everyone else's, but I feel like I have to walk a middle road to be honest with myself.

I am a member of the Sierra Club, and I am a member of the Smoky Mountain Hiking Club. And I see us here today trying to settle a moral dilemma about the past, as well as the future, and we are trying to deal fairly with both. And it's—I would like to express my moral dilemma in trying to choose sides, because it really is not easy.

These people here are very brave and of the highest character, and I am from the Appalachian Mountains, and I am a mountain woman and I love the stories of the mountain people, and I share the agonies that these people are going through in wanting to keep ties with their ancestors and to honor them in the way that they should be honored.

I personally have no solution to this problem. I want wilderness and I want promises kept, so I am caught in the middle of deciding neither, but I did want to go on record as being a wilderness supporter, a Smoky Mountain Hiking Club supporter, but yet wanting to support these people in their effort to hold onto what is a great quality.

Should this road not go through—and I have no way of knowing which way it will go—it would be lovely if that acreage of 40,000, or whatever it is, acres could be designated as an ancestral memorial garden to those people who have paid so much and given up so much for the wilderness.

Thank you.

Mr. BEVINETTO. Thank you, Ms. Sollomon.

The next panel is Mrs. A.D. Bradshaw, Roy Payne, Earl Ball, Thelma Almond. The panel on deck: Fred Sweeton, Fred Vaslow, Frank Nakamura, Eileen Wilson.

Are you Mrs. Bradshaw?

Ms. PILKENTON. No, I am afraid not. I am talking for Mrs. Bradshaw.

Mr. BEVINETTO. OK. You will identify yourself for the court reporter, please.

STATEMENT OF MRS. A.E. BRADSHAW, AS PRESENTED BY BARBARA PILKENTON

Ms. PILKENTON. My name is Barbara Pilkenton. Mrs. Bradshaw starts out:

> My name is Mrs. A.E. Bradshaw. I was born in Swain County in 1900 and have lived here all my life. My husband, A.E. Bradshaw, built approximately 6 miles of Highway 228 [sic]. The TVA flooded part of this highway and promised my husband that another road would be built in its place. My husband died in 1968 and the promised road has never been built.
>
> We had 600 acres of land that was condemned. That land was some of the best around for farming. There was a cemetery on this property and several houses. This land was not flooded but we were forced to move away from it, anyway. This land was just taken away. The Government paid us nearly nothing for it. My husband had worked all of his life and that land was all we had. This disturbed my husband so much that his health suffered for the rest of his life.
>
> I am in favor of the Helms/East bill and I want to live long enough to see the road built.
>
> Sincerely, Mrs. A.E. Bradshaw.

Could I add something to that in my own words?

Mr. BEVINETTO. Yes, you may. I assume that's Mrs. Bradshaw at the table with you?

Ms. PILKENTON. Yes.

Mr. BEVINETTO. Welcome, Mrs. Bradshaw.

Ms. PILKENTON. Some of these people that have been talking today, it seems like they can't give up anything or anything else. The North Shore Cemetery Association has come down from a two-lane hardtop to a road, a gravel road. If we can compromise, it seems like these other people can, too, just a little, since we have lost more than it seems like anybody else has.

Somebody said this morning, too, that the 44,000 acres was an undisturbed wilderness. Unfortunately, that's not the truth. At one time there was over 10,000 people over in Hazel Creek, alone.

As far as wilderness goes, I am personally against any and all wilderness. Just like I said, I think compromise can come into all situations. My parents' cemetery had not been done by the Park Service up until the North Shore Cemetery Association people asked for it. Until then the people who had people buried in the different cemeteries had been taking care of them, their selves. There is no facilities whatsoever for the handicapped, either on the barge going up the river or on the lake or on any of the roads.

It is my understanding that if this area does go total wilderness we will not be able to bury anybody in the existing cemeteries there. At the present time we do have several burial rights in these cemeteries. I am not in favor of a buffer zone around the park unless it is inside the park boundary. Swain County has given up enough land and I just don't think we need to give up any more.

Back 5 years ago Western Carolina University and the University of Tennessee did an experiment for an agent that was conducting in some form—or trying to form a settlement of the north shore road route. There was no endangered species whatsoever on both routes, as far as the University of Tennessee or Western Carolina could determine. There has been money appropriated for ths road at least three times. It has gone into several separate holdings.

The Wilderness Act in 1974 requested 274,000 acres. Now they want 467,000 acres, all in North Carolina, and very little in Tennessee.

Thank you.

Mr. BEVINETTO. Thank you.

Mrs. Almond.

STATEMENT OF THELMA SAWYER ALMOND

Mrs. ALMOND. My name is Thelma Sawyer Almond, and I am a lifelong citizen of Swain County. My grandparents were residents of this Noland Creek community. As they braved the wilderness and went down and built their homes and all, they were sent out of there to go find new homes.

My mother was raised on Noland's Creek. She had been one of the oldest citizens of Swain County. Now she is 92 years old. She owns 110 acres down in the country and all the—three-thirds of it is covered around by the park. So if the buffer zone comes in, that will do away with her little farm, even though she probably won't live long enough to see it. Maybe it would be the best that she didn't.

These people braved the wilderness to build these communities down there, to make up the beautiful Swain County. Only they lost it to then what was supposed to make Swain County better: prosperity and progress.

But why should we support the Baker/Sasser bill? Just to put our land back in the wilderness, just like it was when our forefathers come in here and started clearing it and making homes for themselves? That would just be to satisfy one little group, the environmentalists and those kind of people. They have never owned property. They have never cared about any of the destiny of Swain County. Swain County is the least of their worries, except to come through here maybe sometime and carry their backpack and act like they are really looking for nature.

So, Swain County, come on, let's get on this issue together. Let's all work together toward it, quit playing with it and support the Jesse Helms' bill and we will get what we want. We will get our road to the cemetery. We will be free to walk on the land that goes around the Fontana Lake and we will get exactly what we want, and we will all be represented, instead of just a few people like the Sierra Club and the wilderness people. So, come on, let's do it together and get these outsiders out.

Mr. BEVINETTO. Thank you, Mrs. Almond.

The next panel is Fred Sweeton, Fred Vaslow, Frank Nakamura, and Eileen Wilson.

[No response.]

Mr. BEVINETTO. It looks like we will go on to the next panel, then.

Robert Ward, Louise Kirkland, and Dan McCoy.

Why don't you proceed, Ms. Kirkland?

STATEMENT OF LOUISE KIRKLAND

Ms. KIRKLAND. My name is Louise Kirkland. I want to thank you people for letting me have the privilege of speaking.

People would have you believe that the 44,000 acres of land in the lower part of Swain County is an untouchable wilderness. It has still the precious memories of the people that grew up down there. They were always talking of the road on the north shore of Fontana Lake being built so they would get to go back to see where they grew up and raised their families, but the Government has for 43 years promised to build that road, which we all know they never did, and I think most of all of the people that lived down there, which is the same as I do. I want a road down there because I lived down there for 2 years or longer, and it was the most perfect place in Swain County to live in peace and quiet.

I married Neal Kirkland, and he was born and raised down there. He will soon be 69 years old, and he is always talking about going back to see where he was born, raised and played on those beautiful hillsides and mountains. He even talks of them making steerers to pull their little wagon, which they made their steerers out of cornstalks.

He will die unsatisfied because the Government promised him all kinds of things, even the north shore road, which has never come through. I believe the Government should build that road so what few people are left can go and have a little bit of peace and enjoyment in their last days they have left.

I have been back there one time, for we paddled a boat from Bryson City to the mouth of Chambers Creek, and it like to have got the best of me. It took me 3 weeks or longer to get over that helping to paddle. If only the people of the Government had been born and raised down there they would listen to the outcry of all the people in Swain County and other counties, for people scattered everywhere, when the TVA bought them out. They bought it for the United States of America. The TVA was representing this country. On all their deeds they signed at the top of the deed "Bought by the Company of the United States of America."

My father-in-law, John Wesley Kirkland, died in 1969, always wishing he was back down there. He died unsatisfied. Also, I lost my mother-in-law, Tiny Kirkland, who was a midwife for all the north end of Swain County and my brother-in-law, Louis K. Kirkland, 19 days apart in 1974. Both Tiny and Louis Kirkland died unsatisfied, always wishing the Government would build the north shore road, which they haven't, but there is a day coming that everyone that had a hand in talking—those old people and young people—lies will have to answer to the Almighty above for all those lies. Of course, some have gone on now, but if I have been informed right, which I know I have, the ones that had anything to do with talking to those people in giving their homes away died hard.

The commissioners that were over at the lower end of Swain County were the ones that persuaded them to sell. They promised the people things that have never come to pass, such as the north shore road.

Thank you very much.

Mr. BEVINETTO. Thank you, Mrs. Kirkland.

Mr. Ward.

STATEMENT OF ROBERT L. WARD, ON BEHALF OF THE NORTH SHORE CEMETERY ASSOCIATION

Mr. WARD. Good afternoon.

My name is Robert L. Ward, and I am an attorney from Waynesville, NC. Mrs. Helen Vance has asked me to speak on behalf of the North Shore Cemetery Association concerning appendix D of Senate bill 1947, more commonly known as the Sasser/Baker bill.

The Park Service recognizes the access rights to those with families buried in the cemeteries. This is good. However, the legislation drafted by the distinguished Senators from Tennessee merely restates the present access and for that reason it is insufficient. The Park Service and the Government have taken an adversarial approach to the requests of the relatives.

The present access came about only after substantial political pressure, as is revealed by the minutes of the January 16, 1979, meeting of the study committee regarding the resolution of the 1943 agreement. Boulders had been placed in the existing roads which led to cemeteries, thus preventing clear access. This adversarial stand is a very significant problem and the park has almost all the power to have its way.

This same power is incorporated into appendix D, where advance approval is required by the park superintendent before any repairs are made on the Hazel Creek Trail. The clause makes no provision for a time limit concerning approval and there is no standard setting forth the degree of safety that is necessary to be maintained.

Even more threatening is the intent language which could later be interpreted by the courts as giving the superintendent authority to deny access into the Hazel Creek area, when the intrusion is deemed by him to be too damaging to the environment. Such discretionary procedure is unacceptable to those holding cemetery access rights and essentially amounts to another hook similar to the one that was provided in the 1943 agreement, which dealt with the appropriations clause, saying that the road would be built only if there were any appropriations.

Another objectionable aspect of this act deals with the discrimination of road access to some cemeteries with trail access to others. Those with relatives outside Hazel Creek are allowed motor vehicle access on existing roads. It is beyond me how they can distinguish between families with effective equal access rights. The promises from the 1940's, which effectively invalidated the Remain Permits, said that all the families would have some sort of road access back to the cemeteries. This legislation just does not go far enough in resolving the problem of cemetery access.

What these people need is an act by Congress providing for a primitive road access for all the cemeteries where the language is in the legislation and is essentially in stone so as to ring clear as a bell as an assurance that the needs and rights of the cemetery folk have been satisfied.

Appendix D recognizes those rights but falls short in resolving the problem and needs the addition of a primitive road to the Hazel Creek area.

Thank you.

[The prepared statement of Mr. Ward follows:]

Bryson City
Federal Building
March 16, 1984.

Good morning Mr. Chairman, my name is Robert L. Ward. I am an attorney from Waynesville, North Carolina. Mrs. Helen Vance has asked me to speak on behalf of the North Shore Cemetery Association concerning Appendix "D" of Senate Bill 1947, more commonly known as the Sasser/Baker Bill.

As you already know, people within the Cemetery Association and many people outside of it support reasonable access to all the cemeteries by use of some primitive access road. The Park Service recognizes in the first three paragraphs of Appendix "D" that the relatives of those buried in the cemeteries within the Great Smoky Mountain National Park have access rights to those cemeteries. The relatives holding those rights are pleased that the Park acknowledges such obligations. However, the status-quo does not satisfy those rights. This Appendix, and therefore the bill, is deficient because it merely reinstates the status-quo.

It is important to note throughout these proceedings that by-and-large the Park Service has taken an adversary approach to the requests and demands by the cemetery people and has not given ground until forced to do so by influential officials in Washington. The relatives of those in the cemeteries have, for years, tried to visit the cemeteries as best they could as individuals. It was not until the formation of the North Shore Cemetery Association that any sort of assistance into this wilderness was provided.

As some evidence of this strained relationship, I will quote to you from the initial meeting of the study committee for the 1943 agreement, as established by Secretary of the Interior, Cecil D. Andrus, which was held on January 16, 1979 at the Federal Building of Waynesville, North Carolina. This meeting and others like it eventually led to the policy which is set forth in Appendix "D". An excerpt from the minutes of that meeting reveals comments by Chairman David F. Felmet and James P. Myers. Mr. Myers said "I would be very unhappy if I wanted to go visit the cemeteries where my folks were buried and I couldn't get there. ...I would also be terribly unhappy if there were a road to that cemetery and the Park Service put a boulder across the road so that I couldn't drive it. And that happened." Mr. Felmet, responded, "We all know that boulders were over several roads in the Park and I think some casual mention has been made to the new Park superintendent that those boulders were offensive to the eye and that sort of thing, and I don't know whether anything can be done about it or not, but the management roads were specifically left out of the wilderness proposal, but they have been managed as wilderness for the past several years as we all know."

A little while later, Mr. Myers states "Davey, I don't want to be a pessimist and I don't want to be anti-national Park Service or anything like that, but in reviewing this, in every agreement that's come up or in every proposal - the State has always gone ahead and fulfilled their part of the agreement and the National Park Service has never come across with their part and that's just the truth of the whole matter."

This adversary stance is a very significant part of the problem. The Park has had virtually all the power to accommodate these people and yet have either shut the door or dragged their feet. The same relationship is incorporated into the Baker/Sasser bill. Appendix "D" provides: "If flash floods or other natural events render the routes unsafe, additional maintenance and repair will be carried out, but the intent is to minimize this kind of intrusion in the back country. Each action will require advance approval by the Park superintendent".

Through this "advance approval", discretionary power is again placed in the Park superintendent. The clause makes no provision for a time limit concerning the approval, nor is there a standard which would set forth the degree of safety needed to be maintained. Upon enactment or even several years from now it is very possible that other attorneys and judges would interpret this clause as being the intent of Congress to give the Park superintendent discretionary power to balance the values of intrusion versus access and safety against each other. This result would effectively destroy what little access that many of the relatives now have. The discretion given to the Park superintendent, when coupled with the adversary, or at best uncooperative, stance of the Park builds into this legislation potential conflict and a definite threat to the continued access to the Hazel Creek area.

Besides the discretionary power that is objectionable, there is also a basic, unjust discrimination within this policy statement which provides that some relatives have much better access than others. Those with relatives outside the Hazel Creek area are allowed motor vehicle access on the existing roads. It is beyond me how they can distinguish between families with effectively equal access rights. The promises from the 1940's which effectively invalidated the Remain Permits said that all the families would have some sort of road access back to the cemeteries. This legislation just does not go far enough in resolving the problem of cemetery access.

What these people need is an Act by Congress providing for a primitive road access for all the cemeteries where the language is in the legislation and is essentially in stone so as to ring clear as a bell as an assurance that the needs and rights of the cemetery folk have been satisfied. Appendix "D" recognizes those rights, but falls short in resolving the problem and needs the addition of the primitive road to the Hazel Creek area.

Thank you

P-14 — Contract discussion
P-30 — authority to make decision on road

The initial meeting of the Study Committee for the 1943 Agreement, as established by Secretary of the Interior Cecil D. Andrus, was held on January 16, 1979, at the Federal Building, Waynesville, North Carolina, beginning at 10 a.m., Chairman David F. Felmet presided.

ATTENDANCE: The following members of the committee were present:

David F. Felmet, Chairman; David G. Wright, Neal Guse, H. Jake Hyatt, William G. Davis, James P. Myers, Wayne McDevitt, John Cope.

The absence of Russell McLean was explained.

Also present were:

Tom L. Mallonee; Jim Ryan; LeRoy Fox and Ray Payne of Knoxville, Tennessee, and Jack Davis of Asheville.

Representing the press:

Don Hatcher, WFBC-TV; Sid Williams, WTVD, Durham; Lyle West, WLOS-TV, and Mike Clark, the Waynesville Mountaineer.

The meeting was called to order by Chairman Felmet, after which committee members and guests were introduced.

Mr. Felmet gave a synopsis of the Agreement of October 8, 1943; the Alternate Proposal for a Transmountain Road of December 6, 1965; and the Ten-Point Proposal that was presented to Swain County on July 5, 1975. He requested that members read and familiarize themselves with these documents.

Felmet: Concerning the 1943 Agreement to build a road along the north shore of Fontana Lake from Bryson City to Fontana, the Tennessee Valley Authority purchased 44,000 acres of land which was part of Swain County. The purchase of that land and the building of Fontana Lake flooded a highway in Swain County--288--which was built and bonded indebtedness for the payment thereof under Swain County's road program. As I understand it, those bonds probably later consolidated into a total bond program, which bonded indebtedness Swain County later paid off. At the time this agreement was reached in 1943, there was no south shore road. This was a proposal to build from Fontana Dam to Bryson City north shore road. There were certain considerations given in that in addition to the agreement to let the Tennessee Valley Authority buy. There may have been a few small condemnations of land in that area, but most of it was an agreeable purchase by the Tennessee Valley Authority which was later transferred to the Park Service under this agreement. In addition to taking the land from Swain County, I believe $400,000 was put in trust to be spent by Swain County as a loss of the tax base and the road. If my interpretation is correct, that is right. Of course, the road was promised and it strictly says so in the agreement, and I think one of the bases of concern has been the failure of the Park Service to go those cemeteries; those controlled by the Park Service would have to have approval of the Park Service; those in the private cemeteries--they could be buried in those cemeteries so long as there was land available, and that the roads would be kept in such a shape that people could travel them to get into the cemeteries.

Felmet: I think that generally when that has been discussed in meetings of the North Carolina Park, Parkway and Forests Development Council, that has not been refuted, denied, or in any way abrogated as far as agreement is concerned, but in carrying out that situation, I think it has been. I think I could say with Jim Mayers that that is true. I told Boyd (Evison) that I thought it was real sad day when the cemetery group was going across to Hazel Creek and the barge was sitting over there. It could have been hidden in some brush or something and not be visible to the people when they went across the lake on that Sunday. I thought that was a tactical error, and I told Boyd so. I would have taken it down the lake somewhere. It would not have been visible if I had denied them the right to use it.

Jim, do you think that as far as cemeteries are concerned that access could be interpreted to mean water as well as road access?

Myers: I can't speak for them. If I were in their position, I would be very unhappy if I wanted to go visit the cemeteries where my folks were buried and I couldn't get there. If the Park Service would not provide me with some means of transportation to get there. I would also be terribly unhappy if there were a road to that cemetery and the Park Service put a boulder across the road so that I couldn't drive to it. And that happened.

Felmet: We all know that boulders were over several roads in the park and I think some casual mention has been made to the new park Superintendent that those boulders were offensive to the eye and that sort of thing, and I don't know whether anything can be done about it or not.

But the management roads were specifically left out of the wilderness proposal, but they have been managed as wilderness for the past several years as we all know.

Davis: Well, their means of transporting or helping the people get to the cemeteries, even if they took them on the water could be relegated down to the ridiculous point when you start trying to haul people up there on a mule and a wagon. There is no question but that they should provide some means for people to get down there to those cemeteries.

Felmet: I wonder what that wagon cost the taxpayers of this country? I'll bet you they could have a gold-plated Cadillac over there and haul them up to the cemeteries on a cheaper vehicle than that wagon.

Hyatt: A couple of generations from now probably there will be very few people going down there.

Felmet: As the years move on, I would expect that to decline because after a while the people won't know who is buried there, but we are too close to the scene at this moment to ignore those people with that request and I think it's part of the problem that we have now because of an attitude of disregard of those people who wanted to go to the cemeteries.

__________: One of the cemetery spokesman approached me in terms of maybe the Park Service could fence the cemeteries with hardware so that the wild hogs could not get in there and root up and turn things over.

Felmet: Well, we have traditionally fenced a lot of cemeteries, even in Washington, and New York, etc., so that might be offensive to some people, but I think to the people who have families buried there that any effort to keep them in reasonable attractive condition certainly couldn't be opposed on any grounds by a majority of people of the country.

Myers: Davi, I don't want to be a pessimist and I don't want to be anti-National Park Service or anything like that, but in reviewing this in every agreement that's come up or in every proposal--the State has always gone ahead and fulfilled their part of the agreement and the National Park Service has never come across with their part and that's just the truth of the whole matter. And that's my reason, as I said a while ago, that I don't think that we can do anything until the National Park Service and the Department of the Interior says, "Well now, we'll do this or we'll do that." Now, we've made suggestions, and they've made more suggestions than we have, but they've always hedged on their suggestions, and backed out on them every time.

Felmet: Every time I think their face turns red that they proposed that a few years ago--like the Transmountain Road or whatever it may be-- and they certainly brought that in 1965 or 1966 at the Courthouse in Swain County. I think they proposed the same thing at Gatlinburg--they had those two meetings.

Myers: I attended the meeting in Gatlinburg and one in Washington with Secretary Hickle, all four senators--two from North Carolina and two from Tennessee; Congressman Taylor, Congressman Quillan, Duncan and one other Congressman and a former U. S. Senator were there. Congressman Taylor made one of the finest presentations I've every heard in regard to the Transmountain Road and every one of them were all for it. And nothing happened. And we've met, and met, and met--and until the National Park Service and the Department of Interior comes out with something definite . . .

Mr. **Bevinetto**. Thank you, Mr. Ward.

The next panel will be Ronald Foresta, Ted Mayer, Shirl Ranz, Lionel Edney, Dr. Daniel Hale.

Are any of those people here?

[No response.]

Mr. **Bevinetto**. OK. We will move on to Panel No. 3: Eddie Almond, Ed Taylor—I think Mrs. Kirkland just testified—Verna Kirkland, Joyce Jones.

Voice in the Audience. Joyce Jones is gone, she had to leave.

Mr. **Bevinetto**. Thank you. Are there any witnesses who were on the list who were not here who wish to testify?

This is Ms. Kirkland.

Ms. **Kirkland**. I know you have heard a lot of Kirklands today, but there's a lot of us down here.

Mr. **Bevinetto**. Good, Ms. Kirkland. We want to listen to them all.

STATEMENT OF VERNA KIRKLAND

Ms. **Kirkland**. My name is Verna Kirkland.

Of the 140 people or so that spoke here today, there's two that has really caught my eye, and they are both gone, I believe. I listened to the good doctor from Tennessee speak 4½ minutes about the bears, and he never said "people" one time.

And I wanted to ask Mrs. Sherrill Thomas if she could tell me how much higher they are going to have to build Fontana Dam in order to get us up to the Hall Cemetery, which is 12 miles up on Hazel Creek. I was wondering how much higher the dam was going to have to be built.

We want to thank y'all for coming down here to Bryson City today. You have listened to the history of our lives for about the last 40 years. I wasn't born in the lower end of Swain County, but I was born and raised and still live here in Swain County. I was here yesterday and I will be here tomorrow.

Some of these folks that's testified here today, they weren't here yesterday, and they won't be here tomorrow. Chances are they'll never be back through here again unless we have another hearing. And I guess if you took them down to the street, they couldn't even point in the general direction of this area we have been talking about all day. They could show you on the map but they couldn't show you out here in real life.

I would like to extend an invitation to all of you to come and go with us. Unless you come, unless you go, you can't know what we're talking about. The Park Service does a good job with what they have and what they can do, but there's a limit to how much they can do. And when you have to walk for 3 or 4 miles it's not their fault. The roads are not there or they would try to take us.

Our Governor come up here about a month ago, and he spent about 10 minutes flying from down at Fontana up to Deep Creek, and when he got out he assumed that he spoke county when he said that we could never have a road down there. He didn't speak for the whole county.

Mr. Clarke don't speak for the whole county, either. It is pretty evident from some of the news releases that these people are working for the Park Service, the Wilderness Society and other outside interests. And Mr. Clarke says in his amendment the buffer zone would access to Fontana Lake.

Well, I just don't think this is true. The Park Service now has that lake bed posted to the Tuckasegee River to just about a mile from here west of Bryson City. This will give the Park Service jurisdiction to the center of the lake.

Now, I would like to ask, wouldn't the portion north of the Tuckasegee River still be considered as wilderness under this Clark bill? Jurisdictional boundaries between the 1,700-foot elevation and the Tuckasegee should be classified in any settlement that's reached here.

I want to say that I love these mountains. I am proud of my heritage, and I'm proud to be an American.

[The prepared statement of Ms. Kirkland follows:]

Bryson City NC.
March 9 1984

Senator Helms

I would like to thank you for taking the time and for careing enough to come to Bryson City. You are giving the people here a chance to express how they feel about your bill and about the Wilderness

First let me say I wasn't born in the part of Swain County that has become know as the T.V.A Property, but I have been married for 25 years to a man who was. We go back to his old home place every time we can. Sometimes its just for a day but sometimes we camp and stay two or three days. When his family left in 1943 they shared the feeling of their neighbors. They had been told as they were being forced to leave that the government was going to build the road back after the war and they could go back and visit their old home places and their cemeteries Never in their wildest dreams did they imagion that 40 years later the road would not have been built and that we would be trying desperately to keep their homelands out of wilderness. If the government does not build the road why not release that 44 thousand acres which has not been paid for and let the people buy the land back at the same rate the government is wanting to pay Swain County for it. I'm sure there are many who would buy back and develope their land This would create jobs and tax dollars that Swain County needs so desperately. Unemployment in Swain County in the month of January 1984 was 28% compared to 7.8% for the nation

Some folks will tell you that the enviromentless wants to preserve this beautiful land. The mountain people have forgotten more about taking care of this land than those folks will ever know. You dont see the majority of mountain people abusing their land. They love, respect, and care for these old mountains in a way outsiders cannot know because we are tied to this land by our heritage and we are mighty proud of both. Why should the Sierra Club made up of people from everywhere have the right to force their views on us. Senator Helms please help us keep all the Great Smoky Mountain National Park out of Wilderness but especially the 44-thousand acres of T.V.A. Property

Thanks again for coming.

Respectfully
Verna Kirkland

Mr. **Bevinetto.** Thank you, Ms. Kirkland.

Are there any witnesses who were on the witness list who missed their time to testify who are here now who wish to testify? Please come forward.

The hearing today will be published by the committee in approximately 3 months, and if you would like to have a copy of that hearing, be sure to place your name and address on the mailing labels provided at the table in the lobby.

The hearing record remains open until March 30. If you have friends and neighbors that want to put a statement in the record, they can submit that statement to Senator Helms' Office in Hickory or to the subcommittee office in Washington, DC.

And with that, the hearing stands adjourned until the call of the Chair.

Thank you.

[Where upon, at 4:37 p.m., the hearing adjourned, subject to the call of the Chair.]

GREAT SMOKY MOUNTAINS WILDERNESS ACT

TUESDAY, MARCH 27, 1984

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m., in room SD-366, Dirksen Office Building, Hon. Malcolm Wallop, presiding.

Present: Senator Wallop.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. Good morning. Today the subcommittee will receive testimony on two bills which deal with wilderness designation in the Great Smoky Mountains National Park and related issues.

The first is S. 2183, introduced by Senator Helms, and the second is S. 1947, introduced by Senator Sasser and Senator Baker. The bills differ in acreage. Both provide payment to Swain County, NC. And the bills differ in provisions for access to certain areas.

We have over 35 witnesses who have signed up to testify today. And I will ask those witnesses to summarize their oral testimony to 3 minutes. Your written statements will be printed in the record.

I know some of you have traveled considerable distance to be here with us today. If you have a plane to catch or have to leave for home before your panel is called, please let the staff know and we will try to accommodate you.

The red light will show when your 3 minutes are up, and you can finish your thoughts, summarize the rest of your statement.

I do not like to limit the time that citizens may speak, but I believe this is the fairest way to allow everyone to be heard, and those to be heard especially who have traveled some considerable distance to be here.

I will place in the record at this point a statement by Senator Baker.

[The prepared statement of Senator Baker follows:]

STATEMENT OF SENATOR HOWARD BAKER TO BE SUBMITTED TO THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

March 27, 1984

Mr Chairman:

I want to express my appreciation to the Committee on Energy and Natural Resources and its Subcommittee on Public Lands and Reserved Water for both agreeing to conduct this hearing today on an issue of great importance to my region of our Nation and also for allowing me to submit my remarks to the committee in writing. Were it at all possible for me to have altered my schedule to present these remarks personally, I would have surely done so. And in that regard, I particularly want to thank the distinguished chairman of the subcommittee, my good friend and colleague from Wyoming, for his customary courtesy and accomodation.

And as much as I wish I could be with you today in person to press my case for the passage of Senate Bill 1947, I am comforted by the knowledge that Tennessee Governor Lamar Alexander is testifying today in support of this legislation. Governor Alexander, who I might add is quite simply the finest chief executive Tennessee has ever had and who, not unrelatedly I trust, once served on my staff, is as passionate and forceful an advocate of issues relating to the protection of the Smoky Mountains as has ever been.

Among the many things Lamar Alexander and I have in common is a shared reverence for the Smoky Mountains. We were both born in the shadows of the Smoky's scenic splendor. We both spent substantial portions of our youth amidst the pristine magnificence of these mountains, valleys, rivers, and streams. We both maintain our permanent residences in the area of the Smoky Mountains. And finally, we both draw our energy, our inspiration and out strength from these rugged, unspoiled mountains and the rugged, unspoiled and wonderful people who inhabit this portion of our state.

So you can see, Mr. Chairman, that Governor Alexander and I have a zeal and fervor about us when the topic is the Smoky Mountains. I know the

Governor will address the issues before this committee with his customary eloquence and in detail, but I also want to take this opportunity to make a number of observations myself.

As I have indicated, I was most delighted to join my distinguished colleague, the junior senator from Tennessee, in sponsoring Senate Bill 1947 for a number of reasons.

None of those reasons, Mr. Chairman, is more compelling than the issue of the federal government's obligation, clearly intended and clearly stated, to the citizens and government of Swain County, North Carolina. Both Senate Bill 1947 and Senate Bill 2183, offered by my able friend and colleague, Senator Helms from North Carolina, concur on this issue. Simply put, the government committed, in 1943, to construct or pay for the construction of a road in this county to replace one which was flooded by the creation of Fontana Lake. The value of that road to the county has been agreed upon as $9.5 million. The county has not been compensated by the federal government for this obligation, and it is time we square that debt, as we say in Tennessee. Both the bills before the Subcommittee would do just that by authorizing an appropriation in the amount of $9.5 million in settlement of such claims as may exist.

There exists, Mr. Chairman, another issue of the construction of a road, that above the north shore of Fontana Lake, to the Hazel Creek area of the park, which is called for in Senator Helms' bill, but not in the legislation offered by Senator Sasser and myself, I would only say that I applaud the diligence with which Senator Helms represents his constituents. However, it is my understanding, based on information provided by the Park Service, that such a road may create significant environmental problems in a very sensitive ecosystem, and the costs of construction are indefinite and might run beyond the amount authorized. Consequently, I would hope that the Committee would carefully examine this proposal so that the best interests of both the park and the American taxpayer are served.

Finally, Mr. Chairman, with regard to the issue of how much of the Great Smoky Mountains National Park be declared a wilderness area and subjected to the protection therein, S. 1947 provides such a designation for 467,000 acres. I do not believe this to be an unduly large tract for such designation in the context of this park and this region of the country. I am well aware of the Chairman's views on such designations, but would respectfully suggest that, inasmuch as this is a national parkland, development or resource extraction is unlikely in any event. However, I recognize that reasonable men may differ and in the Senate often do. Senators Helms and East have offered a proposal which would exempt from wilderness designation roughly 67,000 acres which Senator Sasser and I have included in our approach. Rather than insist on one acreage figure over the other, it would be my sincere hope that agreement can be reached on some middle ground by all concerned parties. Perhaps the guidance of our esteemed Subcommittee Chairman could provide the means to that end. It is , after all, the protection of the unsullied grandeur of the Smokies which concerns all of us, and I believe there is substantial agreement among us that a wilderness designation would greatly enhance the prospects for such protection.

Thank you again for your indulgence and your consideration.

Senator **Wallop**. The first witness is my colleague from North Carolina, the Honorable Jesse Helms.

STATEMENT OF HON. JESSE HELMS, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator **Helms**. Mr. Chairman, I genuinely appreciate the privilage of coming here this morning to represent what I perceive to be the vast majority of the people affected by the proposals; which, incidentally, will commemorate the 50th anniversary of the Great Smoky Mountains National Park.

These proposals have generated a greal deal of interest in western North Carolina, as the size of the crowd and the number of witnesses at the Bryson City field hearings earlier this month suggested.

And I would express my appreciation to the distinguished chairman and staff for the time and effort they spent in going down to conduct this hearing.

The good people living in that area appreciate, Mr. Chairman, your continued interest in them, and they are grateful that you gave them an opportunity to comment on legislation affecting their well-being.

As the chair has indicated, along with my distinguished friend and colleague from North Carolina, Mr. East, I'm sponsoring S. 2183, a bill to give statutory wilderness protection to more than 400,000 acres of the park.

Like Senator Baker and Senator Sasser, who have introduced similar legislation, I feel that wilderness designation, if properly considered and carefully specified, would be a fitting tribute to the park on its golden anniversary.

I'm mindful of concerns that have been expressed about any additional wilderness in western North Carolina. And even now, a bill is moving through the Committee on Agriculture, Forestry, and Nutrition, of which I happen to be the chairman, to designate another 70,000 acres of wilderness in North Carolina.

Many residents of the area which the distinguished chairman visited, including some who testified at the Bryson City hearing, feel that there already is too much land under wilderness protection.

Mr. Chairman, I have great respect and admiration for our colleagues from Tennessee, Senator Baker and Senator Sasser, and for the distinguished Governor of that State, Lamar Alexander. They are my friends. They have done a commendable job of drafting legislation to look out for the interest of Tennessee citizens.

Their map carefully excludes, if you will notice, excludes from wilderness designation areas of historic and commercial importance, including some unimproved roadways inside the park boundary in Tennessee.

By proposing S. 2183 and a slightly different map to accompany it, I am simply asking that the same treatment be given to the people of North Carolina.

In my judgment, the revisions I have made regarding wilderness acreage, all of which are in North Carolina, I would emphasize, do not impair the overall objective of those seeking to make the park a major wilderness area. In fact, my bill designates over 87 percent of the wilderness called for by the two Senators from Tennessee. The remaining 15 percent serves to protect the interests that are unique to the citizens of North Carolina and cannot—cannot be compromised.

Mr. Chairman, I agree with the sentiments you have expressed about the redundancy of wilderness within the National Park System. As you pointed out in Bryson City at the field hearing, park management often offers greater protection than wilderness laws.

The Great Smoky Mountains exist as much as they did generations ago when our ancestors began making their way westward, largely due to the management and conservation practices of the National Park Service.

Mr. Chairman, I wasn't born yesterday, and I understand the legislative process, and I recognize that trade-off and compromise are often necessary to achieve other goals. With regard to the legislation now before this subcommittee, my primary objective is a fair, equitable, and honorable resolution of an age-old dispute between Swain County and the Federal Government.

Let us go back in time just a moment, Mr. Chairman. In 1943, the U.S. Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County entered into an agreement concerning land that is now inside the park, north of Fontana Lake.

In return for the right to flood thousands of acres and key roadways, the Interior Department made a commitment to build a road along the north shore of the lake from Bryson City to Fontana Village.

The purpose of that road, it's clear, was to attract commerce to the North Carolina side of the park, and enable residents who had been run from their land once again to visit family cemeteries and homesteads.

Well what has happened, Mr. Chairman? Generations have passed, and the citizens living in western North Carolina have gotten nothing—nothing from the Federal Government, nothing but back-peddling and a string of broken promises, and I believe it's time, Mr. Chairman, for the Government to stop making promises and start fulfilling the commitment it made back in 1943.

Mr. Chairman, Congress is being asked to make a judgment on this thing, and I say to my colleagues that a Government that will not keep a commitment is a Government that cannot be trusted.

The bill I have introduced would bring about a fair resolution of the so-called 1943 road agreement by authorizing a cash payment of $9½ million to the county, forgiveness of a debt owed to the Farmers Home Administration, and—and construction of a primitive logging-style road, a 10-foot gravel road north of the lake that will simply enable families to visit their heritage.

Residents of the area realize that gradually escalating costs and beaucoup opposition from self-proclaimed, self-appointed environmental groups have lessened the prospect of building the original north shore road that was promised to them. They are not asking for that.

They are simply asking that Congress consider widening a trail now under construction, the so-called North Shore Trail, to permit limited vehicular access.

In terms of environmental consequences, I see little difference between building a 6-foot wide hiking trail and an 8- to 10-foot wide primitive roadway to fulfill, in part, a commitment made four decades ago.

So, Mr. Chairman, that's why I, as one Senator, cannot retreat on a pledge that I made to a group of Swain County citizens who came to visit me in Raleigh in 1972, just after I had been elected to the Senate; I told them then, and I am telling them now, that I will do all I can to see that the Federal Government lives up to its commitment.

I'm optimistic that legislation can be prepared that will be satisfactory to the residents of both North Carolina and Tennessee. I pledge to you, Mr. Chairman, my earnest efforts in that regard and look forward to early passage of even-handed legislation which will not have the Federal Government in the position of reneging on a commitment made a long time ago.

I thank you, Mr. Chairman.

[The prepared statement of Senator Helms follows:]

COMMENTS OF SENATOR JESSE HELMS BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

March 27, 1984

Mr. Chairman, proposals to commemorate the 50th Anniversary of the Great Smoky Mountains National Park have generated a great deal of interest in western North Carolina, as the size of the crowd and the number of witnesses at the Bryson City field hearing earlier this month suggested. The folks living in that area appreciate your continued interest in them and are grateful that you gave them an opportunity to comment on legislation affecting their well-being.

Along with my friend and colleague, Senator East, I am pleased to sponsor S. 2183, a bill that would give statutory wilderness protection to more that 400,000 acres of the park. Like Senator Baker and Senator Sasser, who have introduced similar legislation, I feel that wilderness designation -- _if properly considered and carefully specified_ -- would be a fitting tribute to the park on its Golden Anniversary.

I am mindful of concerns that have been expressed about _any_ additional wilderness in western North Carolina. Even now, a bill is moving through the Committee on Agriculture, Forestry, and Nutrition, of which I am chairman, that would designate another 70,000 acres of wilderness in the state. Many residents of the area, including some who testified at the Bryson City hearing, feel there is too much land under wilderness protection already.

Mr. Chairman, I agree with the sentiments you have expressed about the redundancy of wilderness within the national park system. As you pointed out during the field hearing, park management often offers greater protection than wilderness laws in some cases. The Great Smoky Mountains exist much as they did generations ago when our ancestors began making their way westward, largely due to the management and conservation practices of the National Park Service.

However, I recognize that trade-offs and compromise are sometimes necessary to achieve other goals. With regard to the legislation now before this subcommittee, my primary objective is a fair, equitable, and honorable resolution of an age-old dispute between Swain County and the federal government.

Mr. Chairman, in 1943, the U.S. Department of the Interior, the Tennessee Valley Authority, the State of North Carolina and Swain County entered into an agreement concerning land that is now inside the park north of Fontana Lake. In return for the right to flood thousands of acres and key roadways, the Interior Department made a commitment to build a road along the north shore of the lake from Bryson City to Fontana Village. The purpose of that road, I am told, was to attract commerce to the North Carolina side of the park and enable residents who had been run from their land to once again visit family cemeteries and homesteads.

Generations have passed and the citizens living in western North Carolina have gotten nothing from the federal government but back-peddling and a string of broken promises.

I believe the time has come for the government to stop making promises and start fulfilling the commitment it made back in 1943.

The bill I have introduced would bring about a fair resolution of the so-called "1943 Road Agreement" by authorizing a cash payment of $9.5 million to the county, forgiveness of a debt owed to the Farmers Home Administration, and construction of a primitive, logging-style road -- a 10-foot gravel road -- north of the lake that will enable families to visit their heritage.

Residents of the area realize that gradually escalating costs and vocal opposition from environmental groups have lessened the prospects of building the original North Shore Road. They are not asking for that. They are simply asking that Congress consider widening a trail now under construction -- the so-called "North Shore Trail" -- to permit limited vehicular access. In terms of environmental consequences, I see little difference between building a six-foot-wide hiking trail and an 8-10 foot wide primitive roadway.

Mr. Chairman, I cannot retreat on a pledge I made to a group of Swain County citizens who visited me in Raleigh just after I was first elected to the Senate in 1972. I told them then, and I am telling them now, that I will do all I can to see that the federal government makes good on its commitment.

I am optimistic that legislation can be prepared that will be satisfactory to residents of North Carolina and Tennessee. I pledge my earnest efforts in that regard and look forward to early passage of even-handed legislation which will not renege on commitments made long ago.

Senator **Wallop**. Thank you, Senator Helms. I might just say that of all the field hearings this Senator has been on, that clearly has to have been one of the most moving and interesting hearings that I've been privileged to attend. It was quite an experience.

As you well know and remember, both sides of the issue were expressed in eloquent, often moving terms. People with their passions high managed to allow opposite sides to be expressed. In all, it was a most enjoyable and informative hearing.

We'll keep the process up until there's a decision on our threshold. I thank you very much.

Senator **Helms**. I thank you, Mr. Chairman.

Senator **Wallop**. Next is our colleage, Senator Sasser from the State of Tennessee.

STATEMENT OF HON. JIM SASSER, A U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator **Sasser**. Mr. Chairman, I want to express my appreciation to you this morning and to the members of this committee for holding these very important hearings.

Since 1977, when I first came to the U.S. Senate, I have sought wilderness designation for the Great Smoky Mountains National Park in every Congress. My distinguished senior college and myself, Senator Baker, have introduced S. 1947.

I might say, Mr. Chairman, that this legislation has the support not only of Senator Baker and myself, but also the support of Congressman Clarke of North Carolina, whose congressional district will be affected, and the support of the distinguished Governor of my State who will testify here this morning, Gov. Lamar Alexander, and also the support of the able Governor of North Carolina, Gov. Jim Hunt.

This 50th anniversay year of the Great Smoky Mountains National Park is, I think, a time of renewed pride and renewed optimism in our efforts to recommend to this committee the designation of 467,000 acres of the Great Smoky Mountains National Park as a wilderness.

The year-long celebration planned in conjunction with the June 15, 1984, anniversary date has prompted some observers to ask, well, why all the fuss over the Smokies?

There are still a few persons who wonder what makes the Great Smoky Mountains so special. Well, Mr. Chairman, as you well know, the Great Smoky Mountains National Park is one of this Nation's most prized and cherished assets. It's by far the most significant land resource in the Eastern half of these United States. The move to protect the Great Smoky Mountains has spanned the administration of 11 American Presidents, and for more than 50 years, Americans from all walks of life, young and old, Republicans and Democrats alike, have actively sought a means by which to enhance the serene diversity that is uniquely the Great Smoky Mountains National Park.

This is the most popular national park in this country. Each year more than 8 million visitors witness firsthand its rare and awesome beauty.

The height of these mountains, the depth of the valleys, the shear ruggedness of the area all state the case for maximum wilderness protection.

For 36 of its 71 miles, the Great Smoky Mountains stand above 5,000 feet. Sixteen peaks reach more than 6,000 feet. In fact, Mount LaConte, which reaches a peak of 6,593 feet, is the tallest mountain in the Eastern half of the United States.

Many attempts have been made to describe the importance of the Smokies. The Great Smoky Mountain National Park has been called, and I think correctly, a botanist's paradise.

This park boasts some 150 species of trees, over 1,400 species of plants; more than any other national park in this country, and more than in all of Europe.

Nearly 400,000 animal species, ranging from the black bear to the pygmy shrew, make the Smokies their home. A variety of fish, reptiles, amphibians, and over 200 species of resident and migrant birds can be found within the park.

Mr. Chairman, the international community has long recognized the tremendous significance of the Smoky Mountains National Park.

More than 50 years ago, the people of Tennessee and North Carolina began generously to donate what is now a spectacular resource to this Nation. In this vein I believe, along with my colleague Senator Baker and others, that we would be remiss if we did not take this opportunity to acknowledge some of the special needs of the people in North Carolina and Tennessee.

I strongly urge, Mr. Chairman, this committee to include as part of the wilderness designating language, statutory language which assures that those persons who gave up their homes in the 1940's continue to receive ferry and van access to the sites of their deceased ancestors.

In this same context, this committee should put to rest the longstanding dispute between the Federal Government and Swain County, NC. This can be achieved, I think, by the expeditious payment of \$9½ million to the county of Swain in settlement of all outstanding claims and liabilities.

Last, but certainly not least, to this Senator from Tennessee, there are a couple of Tennessee concerns that must be accommodated. The designation of 467,000 acres of wilderness constitutes roughly 89 percent of the park. There are a number of one-lane roads which, because of popular use, were not included in the wilderness proposal which I offered this committee.

I believe the committee should, through appropriate report language, however, ensure these areas against further development and poaching.

Also, Mr. Chairman, the Tennessee Valley Authority retains certain interests within the park. It's my understanding that officials of that agency plan to offer amendments for the committee's consideration at the appropriate time.

In closing, Mr. Chairman, I'm reminded of the words of President Franklin Delano Roosevelt on the occasion of dedicating the Great Smoky Mountains as a national park, and I'd like to quote from these words, if I may:

> There are trees here that stood before our forefathers ever came to this continent. There are brooks that still run as clear as the first day the first pioneer cupped his hand and drank from them. In this park we shall conserve these trees, the pine, the redbud, the dogwood, the azalea, the rhododendron the trout, and the thrush, for the happiness of the American people.

Well, Mr. Chairman, I'm proud to recommend to this committee the designation of 467,000 acres of the Great Smoky Mountains National Park as wilderness. I'm delighted at the interest you've taken in this matter, Mr. Chairman, and I want to commend you for your efforts and your interest and the long hours that you have spent in study of this legislation and study of this problem. I trust that this committee will act expeditiously to ensure that 1984 will be a year that will forever mark the designation of the 467,000 acres of the Great Smoky Mountains National Park as a wilderness. Thank you, Mr. Chairman.

[The prepared statement of Senator Sasser follows:]

TESTIMONY OF SENATOR JIM SASSER

Mr. Chairman, I thank you and the members of this Committee for holding these important hearings today.

Let me just begin my comments with a personal note.

Since 1977, I have sought wilderness designation for the Great Smoky Mountains National Park in every Congress in which I have been a member of this body.

In this, the 50th anniversary year of the Great Smoky Mountains National Park, it is with a sense of deep personal pride and renewed optimism that I recommend to this Committee the designation of 467,000 acres of the Great Smoky Mountains National Park as wilderness.

The year long celebration planned in conjunction with the June 15, 1984 anniversary date, has prompted some observers to ask why all the fuss over the Smokies. There are a few persons who still wonder what makes the Great Smoky Mountains so special.

The Great Smoky Mountains National Park is one of this nation's most prized and cherished assets. It is by far the most significant land resource in the eastern half of these United States.

The Smokies is the first National Park created entirely from privately owned lands rather than from property already in the public domain. The 515,225 acres which now comprise the Park were once a part of 6,600 separate private tracts.

The move to protect the Great Smoky Mountains has spanned the administrations of eleven American presidents. For more than fifty years, Americans from all walks of life, young and old, Democrats and Republicans alike, have actively sought a means by which to enhance the serene diversity that is uniquely the Great Smoky Mountains National Park.

At this the 50th anniversary year, we share a special opportunity to place an enduring marker on these once obscure acres. We can and must act affirmatively to designate 467,000 acres of the Great Smoky Mountains National Park as wilderness.

The Smoky Mountains National Park is this nation's most popular park. Each year, more than 8 million visitors witness first hand its rare, awesome beauty.

There is a timeless magnetism about the Smokies. The Smokies offers something for just about everyone fortunate enough to enter its boundaries.

The proof positive is the millions of Americans who annually visit the Smokies to enjoy the camping, swimming, canoeing, horseback riding, bird watching, nature studying, fishing, hunting, or just plain walking.

The height of the mountains, the depth of the valleys, the sheer ruggedness of the area all state the case for maximum wilderness protection.

For 36 of its 71 miles, the Great Smoky Mountains stand above 5,000 feet. 16 peaks reach more than 6,000 feet.

In fact, Mount LeConte, which reaches a peak of 6,593 feet, is the tallest mountain in the eastern half of the United States.

Many attempts have been made to describe the importance of the Smokies. The Great Smoky Mountains National Park has been called a "botanist's paradise".

The Park boasts some 150 species of trees, and over 1,400 species of plants, more than in any other national park and in all of Europe.

Nearly 400 animal species ranging from the black bear to the pygmy shrew make the Smokies their home. A variety of fish, reptile, amphibians, invertebrates, and over 200 species of resident and migratory birds can be found within the park.

The incredible ecological diversity in the Smokies recently resulted in the Great Smoky Mountains National Park being designated an International Biosphere Reserve. A biosphere is defined as "that portion of the earth and its environment within which life in any of its forms is manifested".

More recently, the Great Smoky Mountains National Park was again honored. The Great Smokies was elected as a World Heritage Site, one of only four world properties to be honored.

Mr. Chairman, the international community has long recognized the tremendous significance of the Smokies. I believe that it is high time that we in America caught up with the rest of the world and pay tribute to this remarkable resource.

I believe that 1984 is the year in which we must act to make the dream for the Smoky Mountain wilderness a reality.

Mr. Chairman, more than fifty years ago the people of Tennessee and North Carolina began generously to donate what is now a spectacular resource to the nation.

In this vein, I believe that we would be remiss if we did not take this opportunity to acknowledge some of the special needs of the people in North Carolina and Tennessee.

I strongly urge this Committee to include as part of the wilderness designating language, statutory language which assures that those persons who gave up their homes back in the 1940's continue to receive ferry and van access to the sites of their deceased.

In this same context, this Committee should put to rest the longstanding dispute between the Federal Government and Swain County North Carolina. This can be achieved by the expeditious payment of $9.5 million to the County of Swain in settlement of all outstanding claims and liabilities.

Last, but certainly not least, there are a couple of Tennessee concerns that must be accommodated. The designation of 467,000 acres of wilderness constitutes roughly 89 percent of the Park. Those acres not included in wilderness, however, are also important.

There are a number of one-lane roads, which because of popular use, were not included in the wilderness proposal which I offered this Committee. I believe that this Committee should, through appropriate Report language, insure these areas against further development and poaching.

Also, the Tennessee Valley Authority retains certain interests within the Park. It is my understanding that officials at TVA plan to offer amendments for the Committee's consideration. I urge this

Committee to consider the TVA amendments in the interest of designating 467,000 acres as wilderness in time for the June 15, 1984 anniversary date.

As I stated, I have a number of amendments for the Committee to consider at the appropriate time.

The Great Smoky Mountains National Park embodies our growth as a nation and as a people. The lessons of the past, the challenges of the future are there available for quiet reflection.

The preamble to the Wilderness Act of 1964 declared it to be "the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of Wilderness".

In closing, Mr. Chairman, I am reminded of the words of President Franklin Delano Roosevelt on the occasion of dedicating the Great Smoky Mountains as a national park. If I might be allowed briefly to quote:

> "There are trees here that stood before our forefathers ever came to this continent; there are brooks that still run as clear as the first day the first pioneer cupped his hand and drank from them. In this Park, we shall conserve these trees, the pine, the red bud, the dogwood, the azalea, the rhododendron, the trout, and the thrush for the happiness of the American people."

In short, S. 1947, which Senator Baker and I have introduced conforms in every respect with the general management plan as approved under the Administration of Russell Dickenson and then Secretary of the Interior James Watt. The General Management plan approved in 1982 acknowledges that the 44,000 acres would indeed qualify as potential wilderness subject to third party rights. The entire 467,000 acres which Senator Baker and I have proposed as wilderness is currently being administratively managed as wilderness. S. 1947 merely proposes to legislate what is presently national park service administrative practice.

Mr. Chairman, I am proud to recommend to this committee the designation of 467,000 acres of the Great Smoky Mountains National Park as wilderness. I trust that this committee will act expeditiously to insure that 1984 will be the year that will forever mark the designation of 467,000 acres of the Great Smoky Mountains National Park as wilderness.

Senator **Wallop**. Jim, thank you for your testimony.

I find myself deeply troubled by these proposals and the controversy that exists between them. Speaking only for myself and, obviously, not for the rest of the committee, I have, to begin with, problems with the concept of national park wilderness. That's no news to the National Park Service or to anybody else. I'm just not certain that they are compatible with the concepts and provisions for which the parks were set aside in the first place.

With regard to the 44,000 acres, I'm not comfortable with the idea that it can simply be set aside and all of those obligations which the Government entered into with the people of North Carolina, Swain County, simply by our passing a bill and saying that it's over.

I was fairly moved by some of the testimony that was given down there and that we heard down there.

I would also say this. From the standpoint of its wilderness characteristics two things occur to me; first, is that it was, for that part of the world, quite settled in the 1940's, and second, natural recovery has been such that it can be considered a wilderness candidate in that relatively short period of time, 40 years since there were houses, and people, and orchards, and farms, and roads and other things living there, and now what we have is a few tracks and some cemeteries and an obligation.

I would also say that if it were a piece of national forest land, then the consideration and the worry over whether or not it would be protected might, because of the various laws which require the forest planning and other things, be quite different. But the National Park Service is not known for the destruction of the property under their care.

I think the fact that it can be considered as wilderness and still be the most heavily visited national park in the system tells us something about the means by which they conduct themselves and the trust that they have.

I don't know yet what the answer to all that is. That's the process of hearings. But I didn't want you to think that I was comfortable with just the passage of the Wilderness Act and the payment of some money and the walking away from the commitment that was made to those people and their families.

I don't know where I'll come out on it, and where I come out on it is of little consequence unless the rest of the committee and the Congress does also, I'm aware of that.

But I did want you to be aware of the feelings that I have developed because of the testimony that we received.

Senator **Sasser**. Well, thank you, Mr. Chairman.

Let me say that I am aware of your feelings, and you do sit in an uncomfortable chair in this particular matter. I can only trust that the committee will act expeditiously in this matter. I understand the chairman has been troubled for some time about this whole concept.

But this morning you're going to hear, as you know, from some residents of Swain County, NC, and from the Congressman representing that district, who I'm hopefull can address some of the chairman's concerns and be convincing in their testimony.

Thank you, Mr. Chairman, for allowing me to appear here this morning. I'm certain that you will find the distinguished Governor of Tennessee to be very persuasive in his views this morning, as he always is. Thank you.

Senator **WALLOP**. Thank you.

The next witness is the Honorable James McClure Clarke from the Eleventh District of the State of North Carolina.

Good morning and welcome.

STATEMENT OF HON. JAMES McCLURE CLARKE, A U.S. REPRESENTATIVE FROM THE STATE OF NORTH CAROLINA

Mr. **CLARKE**. Thank you, Mr. Chairman, for allowing me to testify today.

Mr. Chairman, I appreciate the opportunity to appear before the subcommittee today to testify in support of S. 1947, the Great Smoky Mountains Wilderness Act.

The year 1984 is a special year, because it marks the 50th anniversary of the Great Smoky Mountains National Park. Built with cooperation between the States of North Carolina and Tennessee, the Federal Government and the generosity of the Rockefeller Foundation, it now has some 8 million visitors a year, twice as many as any other national park.

The unique beauty, culture, resources, and experiences of the Smokies is shared by North Carolina and Tennessee. So it's appropriate that the legislation proposing additional protection to the park through the wilderness designation is a joint effort by the two States.

The Great Smoky Mountains Park is not only a place of great natural beauty, it's a major factor in the economy of North Carolina and Tennessee. Numerous thriving motels, hotels, shops, and service establishments have grown up on each side of the park.

A quarter of a million more people visited the park last year than in 1983, and we expect the number of visitors to the park to keep growing steadily in the future.

S. 1947, in effect, puts present park management practices into law. It will preserve this area of great natural beauty for the enjoyment of visitors for all time.

The bill also provides for the settlement of the long-standing dispute between Swain County, NC, and the Department of the Interior, dating back to 1943.

The 1943 agreement between the Department of the Interior, the TVA, the State of North Carolina, and Swain County provided that the Department of the Interior would construct a 34-mile park standard road from Fontana Dam to the eastern boundary of the 44-acre addition to the Great Smoky Mountains National Park to replace the existing road which was to be flooded by Fontana Lake. Only a small part of this new road has ever been constructed.

In an effort to resolve this longstanding controversy, the National Park Service and the Swain County Commissioners negotiated a settlement in 1980.

The negotiations led to the development of a formula in determining the amount of a cash settlement. The value of the old road now flooded by Fontana Lake was established at $1.7 million.

This amount, compounded annually from 1940 to 1980 at 5 percent, totaled $9,609,582. Former Interior Secretary Andrus endorsed this settlement November 28, 1980, and signed a document to that effect. I would like to request that a copy of this document be made a part of the record.

On July 14, 1983, I introduced H.R. 3567. This legislation directs the Secretary of the Treasury to pay, out of funds not otherwise appropriated, $9.5 million to Swain County and relieves the county of any further liability to make payments on the principle and interest on a Farmers Home Administration loan secured as a direct result of the 1943 agreement. The amount of this loan outstanding is approximately $1.6 million.

I urge the subcommittee to insert the language of H.R. 3567, which provides for a direct appropriation to Swain County, or similar statutory language.

This proposal represents a reasonable settlement of the longstanding controversy reached after years of negotiation.

S. 1947 enjoys strong support in the 11th Congressional District and across North Carolina. The legislation has been endorsed by the North Carolina Park, Parkway and Forest Development Council of the North Carolina Department of Commerce, the Board of Aldermen of Bryson City, and the Board of Commissioners of Swain County.

A number of newspapers have written supporting editorials about S. 1947. I would request that these endorsements and editorials be made a part of the record.

Some clarification is needed in the language of S. 1947 in order to prevent any misunderstandings about the congressional intent of this measure. I would like to offer several suggestions.

Since construction and maintenance of a road to all the cemeteries on the North Shore of Lake Fontana will result in a very large cost to the Federal Government, I believe that the proper alternative is to insert statutory language in the bill requiring continuation of the present transportation service to the cemeteries by boat and four-wheeled vehicle.

The National Park Service now provides such transportation for the decoration days at each of the cemeteries, plus special access on 1-day notice to the Park Service. This should be continued and should be included in the bill.

The access language in S. 1947 should be amended to prevent any administrative changes to the access provision that might result with revisions in the park's general management plan.

At my request, the American Law Division of the Library of Congress has prepared a memorandum on the type of statutory language that would ensure permanent cemetery access. I ask that the memorandum be made a part of the record.

U.S. Highway 441 is the only road between Cherokee, NC and Gatlinburg, TN. This highway through the park is a major tourist artery and is absolutely vital to the region's economy.

In order to eliminate any doubts about the future of U.S. 441, statutory language should be included in the bill to make sure there will be no interference with U.S. 441 as a result of wilderness designation for the park.

Boating, fishing, and water sports on Lake Fontana are major recreational activities in this part of North Carolina. The congressional intent of S. 1947 is to continue present uses of Fontana Lake, maintain normal use of the surrounding park areas, and prohibit the creation of buffer zones inside or outside the wilderness area.

I would like to ask members of the subcommittee to include statutory language in S. 1947 assuring the continuation of boating and present recreational uses of Fontana Lake and the surrounding park areas. One additional suggestion may be in order. The Eastern Band of Cherokee Indians has a rich heritage in western North Carolina. Gathering herbs is a part of the native culture of the Cherokees.

In my judgment, there is nothing in the Wilderness Act of 1964 to prevent continuation of this practice. However, in order to clear up any doubts, I suggest that language be placed in the committee report stating that the designation of wilderness will not interfere with herb gathering by members of the Cherokee Tribe in the park.

All of us hope that resolution of the 1943 agreement is near, and that the cash settlement that Swain County so urgently needs will be forthcoming. Representatives of Swain County are here today to state their support for this legislation.

Mr. Chairman, S. 1947 affords us the opportunity to make the 50th anniversary celebration of the Great Smoky Mountains National Park in June a remarkable occasion.

We are all proud of this wonderful park, grateful for its beauty and grandeur. We want to preserve and protect it for the enjoyment of all future generations. I urge passage of this legislation, with the suggested changes, in this 50th anniversary year.

[The prepared statement and additional material submitted by Mr. Clarke follows:]

STATEMENT
OF
CONGRESSMAN JAMES MCCLURE CLARKE
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
MARCH 27, 1984

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee today to testify in support of S. 1947, the Great Smoky Mountains Wilderness Act.

1984 is a special year because it marks the 50th Anniversary of the Great Smoky Mountains National Park. Built with the cooperation between the States of North Carolina and Tennessee, the Federal Government and the generosity of the Rockefeller Foundation, it now has some 8 million visitors a year -- twice as many as any other National Park.

The unique beauty, culture, resources, and experiences of the Smokies are shared by the States of North Carolina and Tennessee. So, it is appropriate that the legislation proposing additional protection to the Park through wilderness designation is a joint effort by the two States.

The Great Smoky Mountains National Park is not only a place of great natural beauty, it is a major factor in the economy of North Carolina and Tennessee. Numerous thriving motels, hotels, shops, and service establishments have grown up on each side of the Park. One-quarter of a million more people visited the Park last year than in 1983, and we expect the number of visitors to the Park to keep growing steadily in the future.

S. 1947, in effect, puts present Park management practices into law. It will preserve this area of great natural beauty for the enjoyment of visitors for all time. The bill also provides for the settlement of the longstanding dispute between Swain County, North Carolina and the Department of the Interior dating back to 1943.

The 1943 Agreement between the Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County provided that the Department of the Interior would construct a 34-mile "park standard" road from Fontana Dam to the eastern boundary of the 44,000-acre addition to the Great Smoky Mountains National Park to replace the existing road which was to be flooded by Fontana Lake. Only a small part of this new road has ever been constructed.

In an effort to resolve this longstanding controversy, the National Park Service and the Swain County Commissioners negotiated a settlement in 1980. The negotiations led to the development of a formula in determining the amount of a cash settlement. The value of the old road now flooded by Fontana Lake was established at $1.7 million. This amount, compounded annually from 1940 to 1980 at a rate of five percent, totaling $9,609,582. Former Interior Secretary Andrus endorsed this settlement on November 28, 1980 and signed a document to that effect. I would like to request that a copy of this document be made a part of the record.

On July 14, 1983, I introduced H. R. 3567. This legislation directs the Secretary of the Treasury to pay, out of funds not otherwise appropriated, $9.5 million to Swain County and relieves the County of any further liability to make payments on the principal and interest on a Farmers Home Administration loan secured as a direct result of the 1943 Agreement. The amount of this loan outstanding is approximately $1.6 million.

I urge the Subcommittee to insert the language of H. R. 3567, which provides for a direct appropriation to Swain County, or similar statutory language. This proposal represents a reasonable settlement of the longstanding controversy which has been reached after years of negotiation.

S. 1947 enjoys strong support in the Eleventh Congressional District and across the State of North Carolina. This legislation has been endorsed by the North Carolina Park, Parkway, and Forests Development Council of the North Carolina Department of Commerce; the Board of Aldermen of Bryson City; and the Board of Commissioners of Swain County. A number of newspapers have written favorable editorials about S. 1947. I would like these endorsements and editorials to be made a part of the record.

Some clarification is needed in the language in S. 1947 in order to prevent any misunderstandings about the Congressional intent of this measure. I would like to offer several suggestions in order to help accomplish this.

Since construction and maintenance of a road to all the cemeteries on the North Shore of Lake Fontana would result in a very large cost to the Federal Government, I believe that the proper alternative is to insert statutory language in the bill requiring continuation of the present transportation service to the cemeteries by boat and four-wheeled vehicle. The National Park Service now provides such transportation for the "decoration" days at each of the cemeteries plus special access on one-day notice to the Park Service. This should be continued and should be included in the bill.

The access language in S. 1947 should be amended to prevent any administrative changes to the access provision that might result with revisions in the Park's General Management Plan. At my request, the American Law Division (ALD) of the Library of Congress has prepared a memorandum on the type of statutory language that would ensure permanent cemetery access. I ask that the memorandum be made a part of the record.

U. S. Highway 441 is the only road between Cherokee, North Carolina and Gatlinburg, Tennessee. This highway through the Park is a major tourist artery and is absolutely vital to the region's economy. In order to eliminate any doubts about the future of U. S. 441, statutory language should be included in the bill to make sure there will be no interference with U. S. 441 as a result of wilderness designation for the Park.

Boating, fishing, and water sports on Lake Fontana are major recreational activities in this part of North Carolina. The Congressional intent of S. 1947 is to continue present uses of Fontana Lake, maintain normal use of the surrounding park areas, and prohibit the creation of "buffer zones" inside or outside the wilderness area. I would like to ask Members of the Subcommittee to include statutory language in S. 1947 assuring the continuation of boating and present recreational uses of Fontana Lake and the surrounding park areas.

One additional suggestion may be in order. The Eastern Band of Cherokee Indians has a rich heritage in Western North Carolina. Gathering herbs is a part of the native culture of the Cherokees. In my judgment, there is nothing in the Wilderness Act of 1964 to prevent continuation of this practice. However, in order to clear up any doubts, I suggest that language be placed in the committee report stating that the designation of wilderness will not interfere with herb-gathering by members of the Cherokee tribe in the Park.

All of us hope that resolution of the 1943 Agreement is near, and that the cash settlement that Swain County so urgently needs will be forthcoming. Representatives of Swain County are here today to state their support for the legislation.

Mr. Chairman, S. 1947 affords us the opportunity to make the Fiftieth Anniversary celebration of the Great Smoky Mountains National Park in June a remarkable occasion. We are all proud of this wonderful park and grateful for its beauty and grandeur. We want to preserve and protect it for the enjoyment of all future generations. I urge passage of this legislation in this 50th Anniversary year.

1. 9.5 MILLION DOLLAR CASH SETTLEMENT. LANGUAGE BOTH AUTHORIZING AND APPROPRIATING THIS SUM UPON RATIFICATION OF BILL. TO INSURE THAT SWAIN COUNTY IS PAID, PAYMENT OF 9.5 MILLION IS A PRE-REQUISITE TO ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK COMING UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.

2. FORGIVENESS OF F.H.A. SCHOOL BOND INDEBTEDNESS.

3. AS A MINIMUM, REASONABLE ACCESS TO CEMETERIES LOCATED WITHIN THE 44,000 ACRE TRACT WITH PERMISSABLE MOTOR VEHICLE ACCESS WHERE APPROPRIATE.

4. MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL NOT INTERFERE WITH PRESENT AND FUTURE USE OF FONTANA LAKE.

5. PROHIBIT THE CLOSING OF HIGHWAY 441 FROM CHEROKEE TO GATLINBURG AND PROVIDE UNRESTRICTED PRIVATE VEHICLE USE.

6. THE CONCEPT OR IMPLEMENTATION OF ANY "BUFFER" ZONES EXTENDING BEYOND THE BOUNDARIES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK BE PROHIBITED. ANY INTERFERENCE WITH ADJACENT PRIVATE PROPERTY RIGHTS IS UNACCEPTABLE.

7. SUCH OTHER RELIEF AS THE SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE THAT HAS A REASONABLE CHANCE OF PASSING BOTH HOUSES OF CONGRESS.

DECISION SHEET

North Shore Road, Great Smoky Mountains NP

Option 1 Cash Settlement for $5.5 Million

________ Support Swain County's request for $5.5 million based upon their formula for the road portions of the amount only and not support the request for funds to make up for the loss of tax base.

Option 2 Cash Settlement for $9.5 Million

CDA Support a figure of $9.5 million based upon the value of the road in 1940 at $1.3 million and compounded annually at 5 percent.

November 28, 1980

Cecil D. Andrus
SECRETARY

RALEIGH NEWS and OBSERVER -- THURSDAY, FEBRUARY 9, 1984

This newspaper's opinion

Time to act in Swain

For 40 years the citizens of Swain County have waited for the federal government to meet an obligation. And now Sens. Jesse Helms and John East would have them wait longer.

Only last week the county commissioners unanimously endorsed a bipartisan bill to designate some 467,000 acres of the Great Smoky Mountains National Park as a wilderness area. What no doubt matters more to the people of Swain is that this bill, sponsored by Sens. James Sasser and Howard Baker of Tennessee, would pay the county $9.5 million and erase $3.5 million in bonded indebtedness the county incurred a few years ago to build new schools.

The $9.5 million cash payment would come as compensation for the federal government's failure to build a road it promised when it created Fontana Lake in 1943. The proposed road would provide access by land to family cemeteries — access lost when the lake was created — but it would also cut through the park and three watersheds. The U.S. National Park Service, the Swain County commissioners and the county administrator all agree that the Sasser-Baker bill represents a fair settlement of the dispute and a boon for the wilderness.

But not Sens. Helms and East. They have withheld support from the Tennessee senators' bill and promote instead a bill that would protect roughly 60,000 fewer acres than the Sasser-Baker bill. It would also lay a logging road through the park. At a cost of about $950,000, the road would allow perhaps 100 members of a cemetery association to visit gravesites — access the U.S. Park Service already provides by ferrying people to the cemetery every day.

No one is more mystified by the North Carolina senators' obstinacy than the people in Swain. At a public hearing last weekend, they again voiced their support for the Sasser-Baker bill and asked their senators to help. James Coggins, chairman of the county commissioners, said later that the financially-pinched county wanted to settle the dispute soon. As for the access road to the cemetery, Coggins said, "That was his (Helms') idea, not ours."

The people of Swain have waited long enough to have this dispute resolved. Now that a fair settlement has broad support, they shouldn't have to depend on two senators from Tennessee to voice their interests. It's time their own senators lent their voices, too.

News and Observer -- November 23, 1983

This newspaper's opinion

Bad wilderness road

Have North Carolina Sens. Jesse A. Helms and John P. East suddenly become zealous for designating new wilderness areas in the state? That's hardly the case, even though their bill calling for 400,000 acres of wilderness in the Great Smoky Mountains National Park offers that impression.

Instead, the Helms-East measure aims at supplanting a vastly superior bill sponsored by Tennessee Sens. Howard H. Baker Jr. and James Sasser. The Baker-Sasser legislation would designate 467,000 acres of the park as wilderness. In addition to protecting less acreage as wilderness, the Helms-East bill calls for building a 25-mile-long access road from near Fontana Lake through part of the park, crossing three undisturbed watersheds along the way.

The purpose of the proposed road would be to link some of the family cemeteries to which public access by vehicle was cut off in 1943 by the creation of Fontana Lake. Apparently, however, only a few members of the North Shore Cemetery Association want such a route opened. Some reportedly fear that cemetery grounds may be "trashed" by people who don't have relatives buried there. They prefer to retain the National Park Service's transportation service, provided by boat and four-wheel-drive van.

Under the Helms-East bill, 44,000 acres directly north of Fontana Lake would be removed from the wilderness area advocated by the National Park Service and Baker and Sasser. Environmental groups that support the Baker-Sasser bill are firmly opposed to the exclusion of this acreage in Swain County and the building of the access road. These issues could entangle the Tennesseans' legislation to the point of defeating it.

That would be a shame for the North Carolina part of the park, and it would be pointless. The acreage in question is already being managed as wilderness by the National Park Service. Moreover, the Swain County Commissioners are not pushing for the controversial road. The Baker-Sasser bill calls for payment to Swain County of $9.5 million in lieu of a road that the federal government pledged to build on the lake's north side 40 years ago. The National Park Service abandoned the road project almost 20 years ago after encountering construction problems.

Passage of the Baker-Sasser bill would better protect the park. It also would ensure that the National Park Service would continue transporting people who wish to visit the cemeteries. This year, the NPS has provided the service for more 1,000 persons, frequently on short notice, at a cost of about $30,000. In addition to the merit of limiting vehicle access to the area, the service can be provided in the long run at less cost than building and maintaining an access road.

Thus, by choosing to hold out for the road and by trying to reduce the wilderness acreage already proposed, Helms and East may jeopardize the future of the Great Smoky Mountains National Park rather than enhance its scenic and natural resources.

NEWS AND OBSERVER -- OCTOBER 17, 1983

Helms lost in wilderness

If Sen. Jesse Helms wants to enter the conservationists' tent, he should walk right in, not poke his nose in sheepishly with a me-too bill that would designate most of the Great Smoky Mountains National Park as a wilderness area. Preservation of the wilderness, of course, isn't something Helms is accustomed to championing, and it shows in his bill.

First, a bipartisan bill sponsored by Senate majority leader Howard Baker, R-Tenn., and Sen. James Sasser, D-Tenn., already would designate most of the park as wilderness. In fact, their bill would protect a larger area of the park than Helms' bill would. Helms ought to voice North Carolina's support for that bipartisan bill, not be left in the wilderness by himself.

Second, Helms' bill muddies conservation questions by including a provision to build a logging road to a cemetery where ancestors of Swain County residents are buried. The road would replace one that was flooded 40 years ago when the Tennessee Valley Authority built a dam and created Fontana Lake.

The federal government obviously has a legal and moral obligation to make the cemetery more accessible to the people of Swain County. But it also has an obligation to protect the natural environment of that area. That — along with great cost — explains why no paved road to the cemetery has been built.

Instead, the National Park Service, at a cost of $28,000 a year, ferries people across Fontana Lake and then transports them overland to the cemetery. In doing so, the National Park Service shows good faith. The government, however, has promised a road, and a logging road, with guarded access, would probably not be objectionable.

If Helms truly wants to protect the environment, he could also endorse the bill by Rep. James McClure Clarke, D-N.C., to expand the protected wilderness in North Carolina's national forests. These tracts lack protection from mining, logging and construction unless they are designated wilderness areas.

Clarke's bill, which the entire North Carolina House delegation cosponsors, would increase the size of those designated areas by about 65,000 acres. Only 2.5 percent of the 1.2 million acres of national forests in North Carolina is protected wilderness — areas open to hiking, camping and hunting but not to activities that denude the forest. Clarke's bill would expand wilderness areas to about 8 percent, including forest land in Eastern North Carolina and the Piedmont.

Yet Helms has been conspicuously chary about endorsing Clarke's bill, even though it has the support of even the timber interests. As chairman of the Senate Agriculture Committee, Helms could have a decisive voice in whether North Carolina's forests are better protected. If he endorses Clarke's bill, he might be surprised by the welcome he'd get in the conservationists' camp.

The Franklin Press - 11-28-83

Helms-East bill smells like politics

It appears that North Carolina senators Jesse Helms and John East are more interested in playing politics than in the real development of the Smoky Mountain National Park. The two senators have introduced legislation which would undo the work of former North Carolina Cong. Lamar Gudger, Bill Hendon and present Cong. James McClure Clarke, who have all worked to bring about an equitable solution to the Fontana road problem.

We agree with **The News and Observer** when they say, "the Helms-East measure aims at supplanting a vastly superior measure sponsored by Tennessee senators Howard Baker and James Sasser. The Baker-Sasser legislation would designate 467,000 acres as wilderness. In addition to protecting less acreage as wilderness, the Helms-East bill calls for building a 25-mile long access road from near Fontana Lake through the park, crossing three undisturbed watersheds along the way.

As the Observer points out, "the purpose of the proposed road would be to link some of the family cemeteries to which public access by vehicle was cut off in 1943 by the creation of Fontana Lake. Apparently, however, only a few members of the North Shore Cemetery Association want such a route opened. Some reportedly fear that cemetery grounds may be 'trashed' by people who don't have people buried there. They prefer to retain the National Park Service transportation provided by boat and four-wheel-drive van."

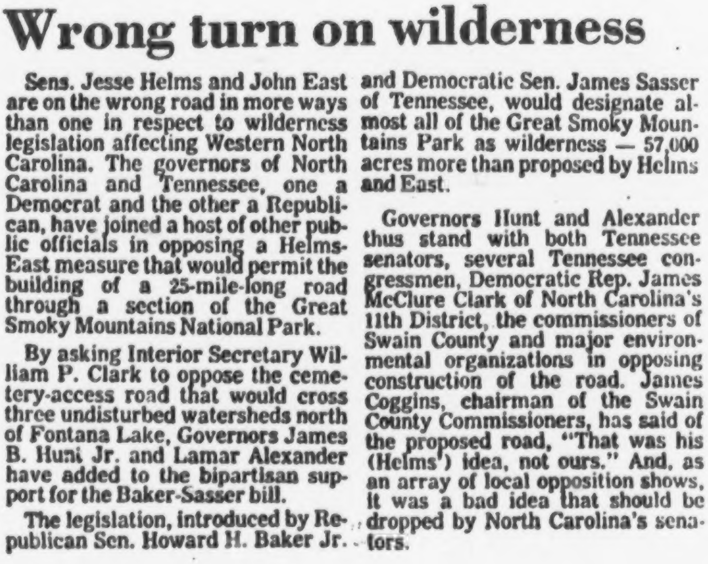
The Baker-Sasser Bill also calls for payment to Swain County of $9.5-million in lieu of the North Shore Road which was promised 40 years ago. Construction problems caused the Park Service to abandon the road and many local officials feel that the lump sum payment would be beneficial to Swain County. Properly invested it would enhance Swain County's operating income.

The only reason Helms and East are sponsoring this legislation, we believe, is to attach their names to legislation which they plan by misrepresentation to make appealing to some people.

We think they would be better serving the people of Swain County and friends of the Great Smoky Mountain National Park if they supported the Baker-Sasser bill, but then they wouldn't be sponsors of a bill.

As we said at the beginning, the Helms-East action looks like politics to us.

RALEIGH NEWS and OBSERVER -- TUESDAY, FEBRUARY 21, 1984



Wrong turn on wilderness

Sens. Jesse Helms and John East are on the wrong road in more ways than one in respect to wilderness legislation affecting Western North Carolina. The governors of North Carolina and Tennessee, one a Democrat and the other a Republican, have joined a host of other public officials in opposing a Helms-East measure that would permit the building of a 25-mile-long road through a section of the Great Smoky Mountains National Park.

By asking Interior Secretary William P. Clark to oppose the cemetery-access road that would cross three undisturbed watersheds north of Fontana Lake, Governors James B. Hunt Jr. and Lamar Alexander have added to the bipartisan support for the Baker-Sasser bill.

The legislation, introduced by Republican Sen. Howard H. Baker Jr. and Democratic Sen. James Sasser of Tennessee, would designate almost all of the Great Smoky Mountains Park as wilderness — 57,000 acres more than proposed by Helms and East.

Governors Hunt and Alexander thus stand with both Tennessee senators, several Tennessee congressmen, Democratic Rep. James McClure Clark of North Carolina's 11th District, the commissioners of Swain County and major environmental organizations in opposing construction of the road. James Coggins, chairman of the Swain County Commissioners, has said of the proposed road, "That was his (Helms') idea, not ours." And, as an array of local opposition shows, it was a bad idea that should be dropped by North Carolina's senators.

THE ASHEVILLE CITIZEN

JAMES B. WILSON, *Executive Editor*
JOHN Q. SCHELL, *General Manager*
RICK GUNTER, *Editorial Page Editor*
BILL MOORE and JOHN PARRIS, *Senior Editors*
BOB TERRELL, *Associate Editor*
LARRY POPE, *Managing Editor*

Page 4 Tuesday, Nov. 29, 1983

Helms' Wilderness Bill Is Unrealistic

A bill introduced the other day by Sen. Jesse Helms, R-N.C., would pay $9.5 million to Swain County in settlement of a decades-old land controversy. That part of the Helms' legislation is acceptable, but, unfortunately, the senator's proposal seeks additional items — all expensive — and they are questionable.

The Helms' bill would settle a Swain bonded indebtedness in connection with the Farmers Home Administration of approximately $3 million, and would allocate not more than $950,000 to build a primitive, logging-style road into the area north of Fontana for access to cemeteries whose access is difficult.

All of this is presented by North Carolina's senior senator as a settlement of the "Swain County controversy," a flap dating from 1943 when Uncle Sam promised to compensate the county for damage and inconvenience caused by the creation of the Great Smoky Mountains National Park.

In terms of old-fashioned fairness, the $9.5 million should be paid by the federal government and Congress should not delay further its payment. The Helms' bill, however, is not the first legislation to seek the compensation. Previous efforts have been made, including a bill introduced by Rep. James McClure Clarke, D-N.C.

To call the Helms' bill a settlement of the Swain County controversy is inaccurate. Paying the compensation is one thing — indeed, the only fair thing to do. But adding the other items, particularly the access road, is unacceptable. Instead of resolving the controversy, this legislation worsens it.

Some unbiased observers who know the Swain County problem contend that families who want to visit the cemeteries in question have adequate access. In other words, it is unnecessary to build an access road — whose cost might be far more than $950,000 and whose potential for environmental damage is enormous — to serve a relative handful of people at the expense of the American taxpayers.

Besides, and this is the key point, the Congress is unlikely to approve the Helms' package. With a little luck and a lot of logrolling, it may be possible to push through the $9.5 million appropriation. But if that request is loaded down with other costly items, the proposal will face a quick demise.

There is in all of this the smell of election-year politics. But there is not a lot of mileage to be gained by Senator Helms from this play. And for a senator who enjoys a reputation as a guardian of the federal treasury, Helms, like taxpayers, can only lose from this proposal.

The Helms' bill also addresses an issue at the heart of a similar bill introduced by Senate Majority Leader Howard Baker: wilderness. Helms' proposal would make 400,000 acres of the Great Smoky Mountains National Park a wilderness area. Baker's legislation would designate 467,000 acres as wilderness. The park is, in effect, already a wilderness area.

The Baker bill has a good chance of passage. Unlike Helms' measure, Baker's legislation is not weakened by costly, unrealistic proposals.

Politics and economy are on the side of the Baker bill. Western North Carolinians should back it and make their lawmakers aware of their support.

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

March 20, 1984

TO : Honorable James McClure Clarke
Attention: Eddie Gouge

FROM : American Law Division

SUBJECT: Section 3 Of Proposed S. 1947

Your have asked us for a rush analysis and memorandum of a conversation with Eddie Gouge of your staff as to whether section 3 of proposed S. 1947 (the Great Smokey Mountains Wilderness bill) adequately protects access to the cemetery on the north shore of Fontana Lake. The pertinent language states:

> Except for special cemetery access provisions for the north shore of Fontana Lake (appendix D of the General Management Plan), visitor and normal administrative access will be...."

Since we do not have a copy of Appendix D, it is not possible to analyze the extent to which it appears to protect cemetery access. Assuming, however, that the provisions contained in that part of the management plan are acceptable to you, we make the following suggestions.

The current bill language does not "incorporate by reference" the provisions of any particular management plan. Quite arguably, this means that the access provisions could be changed administratively in future management plans. You may wish to consider amending lines 1 through 3 of the bill to read:

> Except for special cemetery access provisions for the north shore of Fontana Lake, as described in appendix D of the January 1982 Management Plan, ...

The January 1982 Management Plan is mentioned elsewhere in the bill. Referencing that particular plan in the amended language would preclude administrative changes to the access provisions.

It might be advisable, however, to set out in the legislation those access provisions you feel are most critical, leaving other details to the administrative discretion of the area managers to set in the management plans. This approach would give the features you deem desirable clear and express protection, yet retain some degree of flexibility within which the area managers could respond to future conditions.

We hope this information is useful to you.

Pamela Baldwin

Pamela Baldwin
Legislative Attorney
American Law Division
March 20, 1984

SWAIN COUNTY, NORTH CAROLINA

RESOLUTION

The Swain County Commissioners, during regular session, did conduct the following business:

WHEREAS, on October 8, 1943 Swain County, the State of North Carolina, the Tennessee Valley Authority and the U. S. Department of Interior entered into that certain agreement which commonly came to be known as the "1943 Agreement", and the same is attached as Appendix "A"; and

WHEREAS, the U. S. Department of Interior in 1949 did commence construction of the North Shore Road and completed approximately a mile in length leading from Fontana Dam; and

WHEREAS, construction work on the North Shore Road ceased until the State of North Carolina agreed in 1959 to construct a road from Bryson City to the Great Smoky Mountains National Park boundary and thereby causing the U. S. Department of Interior a year later to resume construction; and

WHEREAS, the parties to the 1943 Agreement (or assignees) did attempt to enter into an agreement in 1965 that proposed a 34.7 mile transmountain road in exchange for construction of the North Shore Road, and construction of the North Shore Road has been terminated at the end of the tunnel completed in 1969; and

WHEREAS, the Department of Interior to date has not been able to discharge its obligations under the above-mentioned contract; and

WHEREAS, the parties to the above-mentioned contract did in October, 1979 establish a Study Committee to make recommendation for a resolution of the 1943 Agreement; and

WHEREAS, the Study Committee did make recommendation, and based upon said recommendation the Swain County Commissioners, taking into consideration the recreational-economic potential of Swain County immediately adjacent to the Great Smoky Mountains National Park and national interest of the park's preservation, endorsed introduction of House Bill 8419 as introduced by the Honorable Lamar Gudger attached hereto as Appendix "B" and approved by then Secretary of the Interior Cecil Andrus as the resolution to the 1943 Agreement; and

WHEREAS, said above legislation was introduced in the U. S. House of Representatives and like legislation in the U. S. Senate during a lame duck session and was not passed prior to Congress recessing; and

WHEREAS, Senator Baker and Senator Sasser of Tennessee have co-sponsored legislation in the United States Senate and a portion of Senate Bill 1947 does provide for an equitable resolution of the 1943 Agreement; and

WHEREAS, Congressman Duncan of Tennessee and Congressman Clarke of North Carolina have co-sponsored legislation in the United States House of Representatives and a portion of House Bill 4262 does provide for an equitable resolution of the 1943 Agreement;

WHEREFORE, BASED UPON THE FOREGOING, the Swain County Commissioners do hereby endorse and support the passage of the bipartisan legislation currently pending before Congress, to-wit Senate Bill 1947 and House Bill 4262; and

FURTHERMORE, the Swain County Commissioners strongly encourage not only the North Carolina delegation, but all members of the U. S. Congress, to commemorate the fiftieth anniversary of the establishment of the Great Smoky Mountains National Park by passage of Senate Bill 1947 and House Bill 4262.

This the 12th day of December, 1983.

Passed by unanimous vote.

SWAIN COUNTY BOARD OF COMMISSIONERS

J. L. Coggins
JAMES L. COGGINS, CHAIRMAN

Meredith Bacon
MERCEDITH BACON, MEMBER

BILL STYLES, MEMBER

(SEAL)

BRYSON CITY, NORTH CAROLINA

RESOLUTION

The Town Board of Alderman of Bryson City, North Carolina, during special session, did conduct the following business:

WHEREAS, on October 8, 1943 Swain County, the State of North Carolina, the Tennessee Valley Authority and the U.S. Department of of Interior entered into that certain agreement which commonly came to be known as the "1943 Agreement", and the same is attached as Appendix "A"; and

WHEREAS, the U.S. Department of Interior in 1949 did commence construction of the North Shore Road and completed approximately a mile in length leading from Fontana Dam; and

WHEREAS, construction work on the North Shore Road ceased until the State of North Carolina agreed in 1959 to construct a road from Bryson City to the Great Smoky Mountains National Park boundary and thereby causing the U.S. Department of Interior a year later to resume construction; and

WHEREAS, the parties to the 1943 Agreement (or assignees) did attempt to enter into an agreement in 1965 that proposed a 34.7 mile transmountain road in exchange for construction of the North Shore Road, and construction of the North Shore Road has been terminated at the end of the tunnel completed in 1969; and

WHEREAS, the Department of Interior to date has not been able to discharge its obligations under the above-mentioned contract; and

WHEREAS, the parties to the above-mentioned contract did in October, 1979 establish a Study Committee to make recommendation for a resolution of the 1943 Agreement; and

WHEREAS, the Study Committee did make recommendation, and based upon said recommendation the Swain County Commissioners, taking into consideration the recreational-economic potential of Swain County immediately adjacent to the Great Smoky Mountains National Park and national interest of the park's preservation, endorsed introduction of House Bill 8419 as introduced by the Honorable Lamar Gudger attached hereto as Appendix "B" and approved by then Secretary of the Interior Cecil Andrus as the resolution to the 1943 Agreement; and

WHEREAS, said above legislation was introduced in the U.S. House of Representatives and like legislation in the U.S. Senate during a lame duck session and was not passed prior to Congress recessing; and

WHEREAS, Senator Baker and Senator Sasser of Tennessee have co-sponsored legislation in the United States Senate and a portion of Senate Bill 1947 does provide for an equitable resolution of the 1943 Agreement; and

WHEREAS, Congressman Duncan of Tennessee and Congressman Clarke of North Carolina have co-sponsored legislation in the Unites States House of Representatives and a portion of House Bill 4262 does provide for an equitable resolution of the 1943 Agreement;

WHEREFORE, BASED UPON THE FOREGOING, the Bryson City Town Board of Alderman do hereby endorse and support the passage of the bipartisan legislation currently pending before Congress, to-wit Senate Bill 1947 and House Bill 4262; and

FURTHERMORE, the Bryson City Town Board of Alderman strongly encourage not only the North Carolina delegation, but all members of the U.S. Congress, to commemorate the fiftieth anniversary of the establishment of the Great Smoky Mountains National Park by passage of Senate Bill 1947 and House Bill 4262.

This the 13th day of December, 1983.

Passed by unanimous vote.

BRYSON CITY-- TOWN BOARD OF ALDERMAN

P.R. Bennett Jr
MAYOR

William G.
MAYOR PRO TEM

H L Bacon
MEMBER

MEMBER

Georgianna M. Carson
MEMBER

(SEAL)

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor

[illegible] Jr.
~~D.M. Faircloth~~, Secretary

NC NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

Withers
MRS CORINNE A ~~[illegible]~~
ADMINISTRATIVE SECRETARY

BOX 7[illegible] WAYNESVILLE [illegible]
TELEPHONE [illegible]

DAVID FELMET
CHAIRMAN
WAYNESVILLE

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council in regular meeting assembled on October 18, 1983 unanimously passed a resolution endorsing Senate Bill number 1947, introduced in the United States Congress by Senators Sasser and Baker of Tennessee; and

WHEREAS, on the 12th day of December, 1983 the Swain County, North Carolina Board of County Commissioners passed by unanimous vote a resolution endorsing and supporting passage of the bipartisan legislation currently pending before Congress, to-wit: Senate Bill 1947 and House Bill 4262; and

WHEREAS, on the 13th day of December, 1983 the Bryson City, North Carolina Town Board of Aldermen also unanimously passed a resolution for the same purpose;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, taking into consideration this strong support by both the Swain County Board of County Commissioners and the Bryson City Board of Aldermen, does wish to reiterate and emphasize our support of S 1947 and further, does commend the efforts by Swain County, North Carolina to resolve the long-standing 1943 agreement.

****

I, Corinne A. Withers, Administrative Secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted at the January 9, 1984 meeting and permanently recorded in its minutes.

Corinne A. Withers
Corinne A. Withers,
Administrative Secretary

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
D.M. Faircloth, Secretary

NC NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

MRS CORINNE A KILLIAN
ADMINISTRATIVE SECRETARY

BOX 746 WAYNESVILLE [illegible]
TELEPHONE 704 [illegible]

CHAIRMAN
WAYNESVILLE

A regular quarterly meeting of the North Carolina National Park, Parkway and Forests Development Council was held on Monday, January 9, 1984 in the conference room of the Federal Building, Waynesville, N. C. beginning at 10:30 a.m. with Chairman David F. Felmet presiding.

ATTENDANCE: David F. Felmet, R. V. Jenkins, Bennett Arvey, Tom L. Mallonee, Bob Sloan, Ed Israel and Corinne A. Withers, Administrative Secretary. Excused absence: Ralph J. Gwaltney.

Also present were: George A. Olson, Supervisor of National Forests in N. C.; Gary Everhardt, Superintendent, Blue Ridge Parkway; Jerry Eubanks, Assistant Superintendent, Great Smoky Mountains National Park; Leroy Fox, Chairman, Tennessee Park Commission; Frank H. Brown, Jr., Chairman, Cherokee Historical Association; Aaron Hyatt, President, Western N. C. Associated Communities; James Ryan, National Park Service; John Nelson, Resource Conservation & Development, U. S. Soil Conservation Service; and Bob Scott, representing the Asheville Citizen-Times.

REPORTS: NATIONAL FORESTS IN NORTH CAROLINA

Following Mr. Olson's report which is attached, there was discussion regarding hunters' proposals to extend stocking areas for wild hogs. Upon motion by Ed Israel, seconded by Bob Sloan and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council, in regular meeting assembled on January 9, 1984, discussed the proposal of hunting interests from several counties in Western North Carolina to extend stocking locations of wild hogs; and

WHEREAS, this Council recognizes that wild hogs are aggressive feeders, with high reproductive capacities, no natural predators, and due to their rooting and wallowing can adversely affect forest plant life as well as adjacent agricultural crops; and

WHEREAS, important questions have not yet been resolved as to their impact on native animal populations such as deer, which utilize the same food sources; and to ground-nesting wild turkey and grouse;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council unanimously opposes extending wild hog stocking outside the present Santeetlah stocking area until such time as the United States Forest Service can complete studies and make decisions based upon these impacts.

****

The second report, which is attached, was by Superintendent Gary Everhardt for the Blue Ridge Parkway; and the third for Great Smoky Mountains National Park by Assistant Superintendent Jerry Eubanks.

Leroy Fox, Chairman of the Tennessee Great Smoky Mountains Park Commission, stated that a delegation from Tennessee would go to Washington to testify at the hearings on the wilderness legislation for Great Smoky Mountains National Park. He urged bi-state support for the Sasser/Baker bill, also individual telephone calls to legislators by Council members and individuals.

Following discussion of the resolutions of the Swain County Board of Commissioners and the Bryson City Board of Aldermen for the Sasser/Baker bill, upon motion by Tom Mallonee, seconded by Ed Israel and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council in regular meeting assembled on October 18, 1983 unanimously passed a resolution endorsing Senate Bill number 1947, introduced in the United States Congress by Senators Sasser and Baker of Tennessee; and

WHEREAS, on the 12th day of December, 1983 the Swain County, North Carolina Board of County Commissioners passed by unanimous vote a resolution endorsing and supporting passage of the bipartisan legislation currently pending before Congress, to-wit: Senate Bill 1947 and House Bill 4262; and

WHEREAS, on the 13th day of December, 1983 the Bryson City, North Carolina Town Board of Aldermen also unanimously passed a resolution for the same purpose;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, taking into consideration this strong support by both the Swain County Board of County Commissioners and the Bryson City Board of Aldermen, does wish to reiterate and emphasize our support of S 1947 and further, does commend the efforts by Swain County, North Carolina to resolve the long-standing 1943 agreement.

****

Senator **Wallop**. Thank you, Congressman Clarke. We will include those various documents that you referred to as part of the committee files.

Mr. **Clarke**. Thank you.

Senator **Wallop**. I might just ask you if you're aware of the rather large list of reservations that attach to the particular area, the 44,000 acres; reservations to individuals, to companies, and to TVA. What do we do about them?

Are you suggesting that we ignore those, too?

Mr. **Clarke**. No; I may not be aware of all of them, but I presume that the mineral rights are all pretty old.

Senator **Wallop**. Well, age has nothing to do with a mineral right. But there are others. There are rights-of- way; rights to TVA, to Southern Railway, to Alcoa, to the Carolina Aluminum Co., to Harris Woodbrie Lumber Co., burial rights, rights of ingress and egress, rights to the State of North Carolina, to third parties, and so on and so forth. There's about three pages of them in here that are attached to that piece of ground.

My question is, Do we walk away from those as well as the commitment to the road?

Mr. **Clarke**. Well, I think that we should certainly not ignore them, and we should give them thorough consideration.

Senator **Wallop**. I appreciate it. And you're aware of my problems as we view this particular tract, and we will do the best we can to come up with some recommendation. And the Congress will, as it does, work its will on them.

Mr. **Clarke**. Well, we appreciate your interest and concern, and appreciate your making the trip down to see the area.

Senator **Wallop**. Well, I thoroughly enjoyed it. She represents a very handsome part of the world.

Mr. **Clarke**. Thank you, Mr. Chairman.

Senator **Wallop**. Thank you.

Next is the Honorable Lamar Alexander, Governor of the State of Tennessee, and he's accompanied by Mr. Charles Howell, who is commissioner of the Tennessee Department of Conservation.

STATEMENT OF HON. LAMAR ALEXANDER, GOVERNOR, STATE OF TENNESSEE, ACCOMPANIED BY CHARLES HOWELL, COMMISSIONER, DEPARTMENT OF CONSERVATION

Governor **Alexander**. Good morning, Mr. Chairman.

I don't have a written statement. I will try to follow the 8-minute role as observed by Senators and Congressmen, if I may.

Senator **Wallop**. If it's observed by Senators and Congressmen, it gives you quite a lot of leeway. [Laughter.]

Governor **Alexander**. I am Lamar Alexander, the Governor of Tennessee, and I appreciate the privilege of appearing before you and the Senate.

I spend most of my time handling problems that I have as Governor and very little time offering advice here.

In summary, my position is I very much commend Senator Baker, Senator Sasser, Congressman Duncan, Congressman Clarke, and Senator Helms for their interest in making the Great Smoky Mountain Park a wilderness area.

I'm convinced that that is supported by the overwhelming majority of persons who live in and around the Great Smoky Mountain National Park, of which I am one.

The Great Smoky Mountain Park is the largest wilderness area in the Eastern United States. It is within about 500 miles of two out of every three Americans. It is the most visited national park by double any other park. It has the highest mountains in the East. They're taller than the Grand Canyon is deep. It is the place where the first hearings on wilderness were held 20 years ago, in 1964, when the act was passed. And my hope is that the efforts of Senator Helms and Senators Baker and Sasser and the Congressmen and yourself, and others, will result in agreement on this before June 15, so that on the 50th anniversary of Congress' establishment of the park, the Great Smoky Mountain Park can be settled as a wilderness area.

What this would do is very simple. It would make permanent the management use of the park as it is today, which is a use that I believe the overwhelming majority of people in our area favor, and most visitors do, too.

I will talk about two points. The first is, what is the Governor of Tennessee doing here on this point; and, the second is, to get right to the question about the road and the cemetery.

I'm tempted to say I'm here because I feel like I own part of the park. Most Blunt Countians do. I'm sure that Swain Countians feel the same way, too. We're on one side, they're on the other.

We have a very possessive attitude about it. But the Great Smoky Mountain Park on our side is not a Tennessee State park, nor is it a North Carolina State park on the other. It is a national resource. And the Senator from Wyoming, or Colorado, or California, of course, has as much say about it as the Governor of Tennessee, or the Senator of North Carolina. And I think it ought to be thought of in that way.

And the tradition of respecting the views of elected officials in the area, I think, is important. Most support these bills. But I think we need to respect the park as a resource for everyone.

It's important also to notice the Governor's role in this, because of the State's involvement. Most national parks were carved out of Federal land. This was bought by the people of Tennessee, the people of North Carolina, who each contributed $2 million; $1 million of small contributions, and $5 million more from the Rockefellers; $10 million bought it all—which, interestingly enough, is the amount of money suggested to pay to Swain County today to resolve this longstanding dispute.

And there's been a lot of talk about it. The management plan of the park has gone on for the last 8 years. We're all used to participating in that, and there are some compromises in it. They did a good job, and it has overwhelming support in our area, and it recommends basically the Baker-Sasser bill.

And then I think a Blunt County resident who happens to be Governor may have a little perspective on it. When I used to hike in the park 30 years ago as a boy, I could walk along the Appalachian Trial and rarely see anybody, never see anybody at the shelters. Today you have to get permits to go because of the pressures on the park. You see lots of people on the Appalachian Trail. I don't go there anymore, I go on the others. And I don't stay at the shelters because there are too many people.

So these terrific pressures in the East are much different than they are in the West. We don't have many such areas. And I respect the beauty of the West and the differences there, but we have so many more people.

As I said before, perhaps two-thirds of all the Americans live within 500 miles of this relatively small—half million acres, but relatively small area with enormous pressures on it.

Now, to the issue at hand. It seems to me that the only reason we have a controversy is that we're talking about two things at once. One is the wilderness designation for most of the park. The other is the longstanding dispute between the Federal Government and Swain County. It would be possible to deal with one without dealing with the other, in my opinion, but it's appropriate, I think, to try to resolve them all at once.

We politicians spend a lot of time talking about things we don't know about very much. So while I had hiked most of the park, I had not been on this area, and Friday I spent the day over in this area where we're talking about, where this so-call road would go, and where this trail is. And I'd like to give you an idea of what it's really like.

These points need to come out. There's a lot of talk about a road from Bryson City to the Hazel Creek embayment, where a lot of the cemeteries are. But it doesn't go anywhere else, it just goes to there and back. And that is the most rugged, pristine part of the Great Smoky Mountain Park.

It does not go from one city to another. That road has already been built. So people who need to go from Bryson City to Fontana can get there. This is into the park.

It is about 19½ miles, by the scale of the map, that we're talking about. Senator Helms mentioned what the trail looked like. I know exactly what it looked like, at least for 5 miles or so, up to the Forney Creek area.

It was logged about 50 years ago. Part of it is a new trail, part of it's an old trail, a little of it's old wagon trails.

It's not 6-feet wide. It's about 2½ feet wide at most places. It reminds me of those western trails that are way up on the side of a mountain, and when you look down, it's 1,000 feet. In this case it's not that way. There are stumps in the trail.

It was carved without machines, which is the way you have to build things in the park. So that bulldozers and other kinds of machines aren't in there.

It's about one-half mile to 2½ miles from the lake that's down to the left. On the other side, of course, is a road all the way from Bryson City to Fontana.

As I understand it from the Park Service, about a fourth of this 19½ miles is an old road that's pretty wide, maybe 12 to 15 feet, but most of it is more like what I was on for 4 or 5 miles, which is a 2- to 4-foot-wide trail with some stumps in it; a lot of which was just built.

The elevation is about 2,000 to 2,400 feet. It's a beautiful area. The cemeteries. I went up to one, the Woody family cemetery. Those are special places.

We have lots of them on the Tennessee side of the park. The graves always face east, because the idea was that Jesus would come from the east in the Second Coming. And the mountaineers on our side say that nobody wanted to have their back to him when he came.

And I was there about the time of the spring solstice. So it was almost exactly east.

And I wouldn't diminish for a minute the importance of these areas to those families, and or to people not in those families. They're part of our heritage. And the uprooting of those people from that park is an important part of our heritage.

But how do people get there now? I think it's important to understand that no one has been denied the trip into the cemetery. The Park Service takes them on a boat with a vehicle on it, and then the vehicle drives as close to the cemetery as it can get, and then you have to walk to the cemetery, which is what you always had to do.

Most of them are on a ridge. And the old timers say they had to carry those big caskets up a step at a time because it's so far up to the top.

I don't know how much it would cost to build a road through that area. To build a two-lane road to standard size over 19½ miles that's paved, would probably be $30, $35, $40, $45 million. It would be a road to nowhere, really; a beautiful place, the Hazel Creek embayment area, but it would be a road to nowhere.

It would invite motor bikes, jeeps, a use that's completely inconsistent with the park. It would increase the pressure there.

Now, I believe that Senator Helms is responding to legitimate feelings on the part of people in that area. I know he is. I know people on the Tennessee side who might feel the same way.

I want to hasten to add though that we have cemeteries also on the Tennessee side. I would never support a new road to permit someone to get to a cemetery in the park. And I believe the overwhelming majority of Tennesseans would never support that. And if anyone thought for a moment that anyone was seriously considering building a new road in the Smoky Mountain Park, that the people around the park on the Tennessee and North Carolina side would have a major uprising. It is not something we believe in. At least that is my experience over many years.

So my suggestion would be something like this: That the Congress continue on this road which it is in general agreement about, the Senators are, that it's appropriate to have this wilderness designation for the largest wilderness in the East. There are only a couple of remaining issues, and it would be nice to do it by June 15.

Second, that we forget the road. The third would be that the park continue to provide access to every single person on the North Carolina side who wants to go into a park.

I don't know why North Carolina residents should have different privileges than Tennessee residents in that respect.

The $950,000 that Senator Helms recommends, I would recommend that you appropriate and spend. It will take that much to keep the trails up that the people use now. And if we're seriously talking about a 10-foot gravel road, the gravel doesn't help, we still have the damage to the streams, we still have the disturbance, we still invite the new access, and we're talking about millions of dollars.

I would prefer the acreage that Senator Baker and Senator Sasser and Congressman Clarke recommend. But the acreage seems to be not as important at the moment, some of that could be decided at a later time. Why don't we provide the access to the citizens of North Carolina, respect their traditions, and then follow the advice of the elected officials in Swain County about the settlement, and not have the road.

That's a summary of the way I feel about it. And I hesitate to speak for other people, but I think I do know enough about the park and the people around it to say that this would be the view of the overwhelming majority of the people who use the park and who live around it.

Senator **Wallop**. What would be the problem with recognizing that it is inconsistent with wilderness designation to have vehicular traffic guaranteed as access for people to cemeteries and other sites? What would be wrong with, for example, leaving that area out of the wilderness, not building the road, but making sure that the access continued as it is for those who have heritage in the cemeteries?

You see, it just doesn't fit with wilderness designation to leave part of it out so that some can have access by vehicle.

Governor **Alexander**. Well, I would much prefer that the entire area designated Type 1-B made wilderness area. Let me make sure I understand your question.

Senator **Wallop**. Well, the bills call for the guarantee to have continued vehicular access for those families who have heritage in the cemeteries and who have been taken across the lake by boat.

Governor **Alexander**. Yes.

Senator **Wallop**. Some, as I read the reservations, still have burial rights.

Governor **Alexander**. Yes, they do.

Senator **Wallop**. It just strikes me that that is inconsistent with wilderness designation. You have here two different things.

Governor **Alexander**. Well, it is, that's true.

Senator **Wallop**. One is the issue of whether the road gets built or not. And I respect your judgment and that of others that we have heard as to the difficulty of building it and where it will go. But I hope that we are not so hooked on the idea of wilderness for an area that we would provide something which is inconsistent with the Wilderness Act; and, that is, man-made machines and motors traveling around in any portion of it.

Governor **Alexander**. Well, the Park Service would have to speak more specifically about what is permitted and what is not. But my understanding of things is that the Park Service policy is to respect traditional access to those cemeteries, and even to assist persons by vehicle if appropriate, if it's needed, to get to those cemeteries. And they do that on the North Carolina side now, where they have to go across by water, then on the land. And they do it on the Tennessee side.

The objection here is to build a new road.

Senator **Wallop**. If that's the only objection, there may be a way around that by not designating the area wilderness and continuing to permit the vehicular access which the park now provides to people who have a fundamental right which was guaranteed from the beginning of access to their cemeteries.

Again, I would just make the statement, that if this were some other part of national property other than the national park, the concern that people have and the worry that the people have as to what the consequences of nondesignation are might be more well founded.

But, I don't see the threat to this area by maintaining it as national park, with the access that is permitted now.

Governor ALEXANDER. Neither do I, Senator. And I don't think anyone is suggesting that the access permitted now be changed. In fact, all of us are suggesting that the access that is permitted now be, in effect, guaranteed.

Senator WALLOP. But I'm saying that's inconsistent with wilderness designation, and sooner or later will be the cause of some sort of action to stop it.

Governor ALEXANDER. I suppose logically you could say that. But the whole park system is a set of compromises. I mean the management plan that we all worked on for 8 years has compromises all through it, but one issue that the vast majority of people agree on is that we don't want another road graded through the park.

Senator WALLOP. But what is so magical about designating a piece of ground wilderness and then going contrary to the concept and provisions of the Wilderness Act by providing vehicular access?

Governor ALEXANDER. It is simply the kind of thing you and I do every day, and that is, on the scale of black to white, we make choices, and we try to respect the uprooting of people from Blunt and Swain Counties and their heritages and traditions.

Senator WALLOP. I'm not making myself clear, Governor. All I'm saying is I don't see anything so magical about having that acreage designated as wilderness, and then going outside the Wilderness Act to provide vehicular access in order to maintain the guarantee at least of access to the cemeteries.

Why can't it just stay national park under the present type of management?

Governor ALEXANDER. Because of the unique heritage of the cemeteries. We're all trying to respect that, but not up to the point of building a $40 million road through the park.

Senator WALLOP. I'm trying to agree with you for the moment hypothetically. I'm not certain that I will in the end. But supposing we say there is no plan to have a road, and that we don't want a road, but we do want to have the access that continues to exist there now. I'm saying that the access that exists there now is inconsistent with wilderness designation under the terms of the Wilderness Act.

So all I'm saying is, why don't we do something to provide the protection that exists presently but not fight over whether it ought to have wilderness designation or not?

Governor ALEXANDER. I think that's a useful line, Senator, and I would certainly support language or legislation that might make sure that if this were to happen that this access is guaranteed and, in some ways, improved for those persons.

For example, the $950,000 could be used to improve the trail. It needs improving.

Senator **Wallop**. That's what I understand.

Governor **Alexander**. And I agree with your line of inquiry, to make absolutely sure that no one is suggesting by the passage of this act that we restrict or make worse the access that people have to cemeteries.

Senator **Wallop**. Well, I'm just suggesting that we not use wilderness designation for that area, but provide it the protection that it presently has, provide for it in the legislation. So that you're not talking about new access or new kinds of threats, as you suggested, of motor bikes and other things, but still guarantee continued access that is consistent with National Park Service management, but is inconsistent with wilderness designation.

Governor **Alexander**. It may be necessary, Mr. Chairman, to consider some additional funds for the National Park Service to make certain they have the money to provide the transportation of these persons, since the lake transportation probably is more expensive.

And if I may take 30 more seconds. I know that in these public discussions we center on the things we haven't resolved and not the things that are resolved. I believe that Senator Helms, and Senators Baker and Sasser and the others are in 90 to 95 percent agreement on this, and that we're down to one or two issues which I believe can be resolved.

And I respect Senator Helms' efforts to let individuals in the Swain County area have their say on this issue. I know they feel deeply about it. And I, for one, believe those cemeteries are special places and an important part of our heritage.

Senator **Wallop**. Thank you very much, Governor.

Governor **Alexander**. Thank you for your time.

Senator **Wallop**. The next speaker is Mr. James Summers, secretary of natural resources and community development from the State of North Carolina.

STATEMENT OF JAMES A. SUMMERS, SECRETARY, NORTH CAROLINA DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

Mr. **Summers**. Thank you very much, Mr. Chairman.

My name is James A. Summers. I'm secretary of the North Carolina Department of Natural Resources and Community Development.

I will present testimony on behalf of the Governor of North Carolina in support of Senate bill 1947, the Great Smoky Mountains Wilderness Act, introduced by Senate Majority Leader Howard Baker, and Senator James Sasser.

Gov. James B. Hunt, Jr., of North Carolina, stands with Gov. Lamar Alexander of Tennessee—and I might add, I thought his testimony was excellent, as I m sure you will agree—in their mutual agreement that Senate bill 1947 will do the following things: Maintain the natural and biological values for which the Great Smoky Mountain National Park is world renowned; resolve the 1943 agreement signed by the Tennessee Valley Authority, the U.S. Department of the Interior, the State of North Carolina, and Swain County; guarantee safe and convenient access to relatives of ancestors buried in the cemeteries isolated within the boundaries of the park.

The Great Smoky National Park is a national treasure. We must not lose sight of this fact. With over 8 million visitors last year, the Great Smoky Mountain National Park attracted more visitors than the Grand Canyon, Yellowstone, and Yosemite Parks combined.

The United Nations has recognized the uniqueness of the Great Smoky Mountain National Park by designating the area as an international biosphere reserve. This designation identifies the natural diversity within the park, and implies its availability for future research.

In creating the Great Smoky Mountains National Park, Congress has protected more than 1,400 species of flowering plants and shrubs; more than can be found in the entire continent of Europe.

Decisions made about the use of the lands are in the national interest, and must ensure the greatest benefits to the greatest number of people for the longest period of time.

We believe that Senate bill 1947 will provide these benefits, and that other versions of this bill will once again divide the strong interests which have come to a concensus in support of the Baker-Sasser bill.

Some of these supporters include the Swain County Board of Commissioners, the Bryson City Board of Aldermen, North Carolina National Park, Parkway and Forest Development Council, Great Smoky Mountains Conservation Association, the Wilderness Society, the Sierra Club, the Great Smoky Mountains Park Commission, the Gatlinburg Chamber of Commerce, the State of North Carolina, and the State of Tennessee.

The pathway to today's hearing has been a long and arduous one; a history that underscores the delicate balance represented in the Baker-Sasser bill.

The need for the 1943 agreement arose when the formation of Fontana Lake inundated North Carolina Highway 288, and isolated 44,000 acres, and some 20 cemeteries in Swain County.

It was agreed that the Tennessee Valley Authority, with financial assistance from North Carolina, would purchase these acres and transfer them to the Great Smoky Mountains National Park.

Additionally, a road would be constructed along the north shore of the Fontana Lake to compensate Swain County and North Carolina for their losses.

In 1949, 1 mile of road was constructed, and in the mid-1960's, the National Park Service constructed 6.2 miles of road. Over $5 million was spent on the 7.2 miles of road.

During the early construction of the road, serious technical difficulties and environmental complications were discovered. As a result, the cost estimates for continuing construction escalated rapidly. The project was discontinued because it was determined, beyond a shadow of a doubt, that it was not environmentally or economically justifiable.

In 1979, Secretary of the U.S. Department of the Interior, Cecil Andrus, appointed an ad hoc committee composed of all the groups with an interest in the 1943 agreement.

After months of deliberation, the committee settled on a plan which included a $9½ million payment to Swain County.

During the lameduck session of the 96th Congress, Congressman Lamar Gudger from North Carolina introduced H.R. 8419 to authorize the payment. Congress did not act on the bill before they adjourned.

Now, 40 years after the original agreement, Swain County has not been compensated, and all attempts to resolve this controversy have proved unsuccessful.

The citizens of Swain County are proud of the beauty of their land, and they're very protective of it. However, they also recognize the harsh economic realities of having over 80 percent of their land in public ownership.

Over the years, Swain County's unemployment rate has been one to three times the State's average, and its growth potential is severely limited.

Swain County needed economic compensation 40 years ago, and they cannot afford to wait for another 40 years.

The Baker-Sasser bill represents the best possible resolution to this controversy, and probably the only concensus which can be achieved among the various groups.

Swain County will receive a cash settlement of $9½ million, and will be absolved of the $1.3 million to the Farmers Home Administration for the Swain County High School.

The recommended wilderness acreage of 467,000 acres follows the recommendations of the National Park Service in its 1981 general management plan.

The question of which sections of the Park are appropriate for wilderness designation has been debated for more than a decade.

The acreage recommendations contained in the 1981 general management plan culminated from those years of careful study and public comment.

The Baker-Sasser bill does not create buffer zones outside of the designated wilderness area, and concerns in this regard should be dispelled.

Governor Hunt does not support any additional buffer areas.

The National Park Service has been providing at no cost, transportation by boat across Fontana Lake and then by vehicle to the cemeteries for all visitors.

The Baker-Sasser bill guarantees that access to the cemeteries will continue to be provided by the National Park Service through their 1981 general management plan.

We will support Congressman James Clarke's amendment, which further guarantees continuation of the existing access policy.

The alternative to this policy, construction of a 10-foot wide primitive road as proposed in Senate bill 2183 would be tremendously expensive to build, and unsafe for those who travel.

The open invitation to abuse of the park through vehicular use is very real. In addition, road construction would require elimination of wilderness values which now exist.

Any attempt to build a road would probably result in an immediate court challenge and would force us into litigation which could drag on for another 40 years.

We, therefore, full endorse Senate bill 1947, sponsored by Senators Baker and Sasser, with the appropriate amendments.

The divergent and bipartisan support of this bill should weigh heavily in your deliberations.

As with any delicate compromise, if we start pulling at the threads that bind this compromise together, we run the risk of unraveling the whole package and yet another effort will have failed.

We believe the history of the effort to resolve the 1943 agreement should come to an end. And we believe the Baker-Sasser bill before you should become the final chapter.

Senator WALLOP. Thank you, Mr. Summers.

I guess I'm curious as to why some amendments are not picking at threads and others are.

Mr. SUMMERS. Yes, sir. I think that's a good question. We have looked very carefully at the amendments as they're currently proposed, and we feel that those amendments carry out the intent of the agreement that has been brought together.

We feel that some amendments could take that apart. And we feel that every amendment that Congressman Clarke has proposed is either a clarification of the overall agreement that's come together or it's an amplification. We don't feel that it in any way breaks the spirit of the agreement that has been achieved.

Senator WALLOP. But would you or would you not disagree with Governor Alexander that we might achieve this same thing in another way, by not providing a use that is inconsistent with the Wilderness Act and still providing for the protection of that area?

Mr. SUMMERS. Senator, I feel that philosophically we are in harmony with Governor Alexander. I feel the one point that perhaps was not amplified in the exchange the two of you had is a very important point in this whole agreement; and that is, wilderness designation does provide certain protections.

You very correctly identify that if you have vehicle access that, in a sense, that is not in keeping with total wilderness designation. But there are other protections that would not be violated.

Simply "Park" designation, for example, does not prevent a road; does not prevent a visitor's center; does not prevent other types of access or other type utilization.

My point is that wilderness designation, we think, is in total harmony, if the only variation to that wilderness designation would be the vehicles going in to take those people to the graves of their ancestors.

Senator WALLOP. Ah, but there are other things. Is the State of North Carolina willing to forego its reserved rights in the area, whatever they are? I see them listed in here.

Mr. SUMMERS. I think that the State of North Carolina takes the position that they're extremely supportive of the Swain County commissioner in trying to reach a resolution to this issue.

If, for example, the mining of those very strategically important minerals became an issue, then I know that the State of North Carolina would want to be in harmony with whatever Congress would deem to be the national interest. We would never, ever be on the other side of that issue.

Senator WALLOP. Well, I appreciate your testimony here today. I guess I still am not persuaded that there's anything so magical about wilderness designation that it can't be accommodated otherwise and still not provide a use which is inconsistent and is challengable from that perspective. As you say, the other would be challengable for the road.

But disregarding the road for a moment, you still have a national obligation for people to access to those cemeteries, and some of whom still have burial rights.

Mr. **Summers**. Senator, I think to follow up on your line of thought; that is, if you took every protection that wilderness designation provides and would guarantee that as part of that 44,000 acres, and itemize whatever they are—and I don't have that list in front of me; but, if that would be done, then I'm sure we'd be supportive of that.

In other words, if you would guarantee every protection that wilderness designation would guarantee for that 44,000 acres and then keep it as park land, I believe that we would be very supportive of that although I have not discussed that with the Governor. I don't see anything wrong with that. And I think your line of questioning is very appropriate and I think it's very sound.

Senator **Wallop**. Well, thank you very much, Mr. Summers. I appreciate your coming here to give us testimony this morning.

Mr. **Summers**. Thank you, sir.

Senator **Wallop**. Next is Director Russ Dickenson of the National Park Service.

Russ, good morning. We welcome you here. Let me just express my very real appreciation for the service, hospitality and cooperation that we received from your National Park Service employees down there in our trip down to Swain County. And I especially want to thank John Cook and Gary Everhart, who were just incredibly cooperative.

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. **Dickenson**. Thank you very much, Mr. Chairman.

As you're well aware, courtesy is one of the hallmarks of the National Park Service, and we're pleased that we could help you.

Mr. Chairman, the Great Smoky Mountains National Park is 50 years old this year. It has been designated as a world biosphere reserve. It's one of the world's great national parks. And as has been stated earlier, it's one of the most popular national parks in the National Park System.

Now, pursuant to the Wilderness Act, we studied Great Smoky Mountains and developed a recommendation in 1974 of 390,500 acres, with 400 acres as potential wilderness. And, although legislation has been introduced from time to time, Congress has taken no action to designate wilderness in this park.

Since the 1974 recommendation, Swain County, NC, has agreed in principle on a settlement of that 1943 agreement between the Department, TVA, Swain County, and the State of North Carolina.

Under that agreement, the Department promised to build a road to replace a road that was flooded by Fontana Reservoir. Engineering studies later revealed that construction and maintenance of a road at this site would be technically difficult, extremely expensive, and environmentally damaging. Thus, the road was never built.

Settlement would consist of a payment of $9.5 million from the Federal Government to Swain County in lieu of the Federal Government's obligation to build that road. We are very much in support of that.

Now that Swain County has agreed on the settlement of the road issue, as we understand it, we recommend that Congress move forward on our 1974 wilderness recommendation—modified, however, to delete 400 acres which was indicated as proposed wilderness. That was the La Conte Lodge. The conditions have changed since 1974. So, therefore, we want to remove the 400 acres of potential wilderness and fall back to our 390,500.

Turning now briefly, Mr. Chairman, to the bills before you. S. 1947, which is the Baker-Sasser bill, would designate 467,000 acres as wilderness. S. 2183, the Helms-East bill, is 400,000 acres of wilderness. And, as I mentioned, we recommend 390,500 acres of wilderness.

Now, the major difference is the approximately 44,000 acres which is on the north shore of the Fontana Lake.

That was acquired by the Tennessee Valley Authority and transferred to the National Park Service in the 1940's. Much of that land was acquired subject to outstanding rights that include mineral rights, timber rights, cemetery road access, and others that are basically inconsistent with wilderness.

Except for the right to visit the cemeteries and TVA's activities related to operation and maintenance of the dam, the Fontana Dam and the Reservoir, none of those rights have been exercised in the last 30 years.

Although it's slight, the possibility remains that other rights will be exercised as well. And for that reason, we feel these lands are not suitable for wilderness designation so long as such rights are outstanding.

The provision in S. 1947, directing TVA and Interior to negotiate a transfer of outstanding rights has no effect on private parties who may hold these legal rights. We point that out to the committee simply as a further justification for our position, that it is not suitable.

Now, S. 2183 also mandates the construction of a road along the north shore of Fontana Lake in North Carolina to provide vehicular access to cemeteries in the Hazel Creek area of the park. It authorizes the appropriation of $950,000 for construction of the road, and provides that wilderness designation elsewhere in the park will not become effective until the road is completed.

While we fully understand the desire of relatives to visit the cemeteries in the Hazel Creek area, the construction of a new road to permit regular two-wheel drive vehicular access is not necessary.

There is a reasonable existing alternative access by boat. Such a new road, if built, would be up to 20 miles in length. Construction would require removal of trees that have grown up on old backcountry logging trails over the last 50 years, and would cost much more than the $950,000 authorized for this purpose in the bill.

And, further, it would invite wildlife management problems and other misuse of park resources. Because of its adverse effect on the resources, its potential for management problems, and its excessive cost, we recommend against this road provision.

Currently, we follow a policy of assisting those who wish to visit the cemeteries by means of park boats and four-wheel drive vehicles.

Such limited access provides relatives and friends of the deceased a way to visit the cemeteries without the resource and management problems a public road in this area would create. And we intend to continue this policy.

To ensure that funds will continue to be available for this activity, we recommend that your committee adopt language specifically authorizing appropriations for that purpose; we have estimated that $500 thousand over a period of time would be adequate to continue the maintenance of the old existing access route for the foreseeable future.

And by not designating that as wilderness, Mr. Chairman, we see no conflict in the basic position that we are outlining for you here.

Now, the remaining provisions of S. 1947 and S. 2183, if I could comment on them for a moment, deal with settlement of the 1943 agreement, under which the Department of the Interior agreed to build a replacement road.

In the mid-1960's, the National Park Service began construction of the road. The State and county had already acquired the right-of-way for and built the 2.6 miles of replacement road up to the park boundary. But new concerns about the effect of the road on park resources, as well as cost, caused the Federal Government to discontinue this.

Although as a matter of law, the Government is not liable to pay Swain County anything, nevertheless, the State and the county incurred certain costs in completing part of the road, acting on our promise in 1943 to build the remainder.

Our information is that the county also incurred a net cost of $1.3 million over 40 years to pay for bonds used to build the original road that runs by Fontana Reservoir.

Compounded annually from 1940 through 1980 at 5 percent, this amount is equal to about $9.6 million. For the purpose of achieving a resolution to this longstanding issue, we have no objection to paying the county $9.5 million, as required by both bills.

I believe, Mr. Chairman, the other portions of my prepared statement are self-explanatory, and I make myself available for questioning at this time.

[The prepared statement of Mr. Dickenson follows:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1947 AND S. 2183, BILLS TO DESIGNATE WILDERNESS IN GREAT SMOKY MOUNTAINS NATIONAL PARK, NORTH CAROLINA AND TENNESSEE.

MARCH 27, 1984

MR. CHAIRMAN, THE GREAT SMOKY MOUNTAINS NATIONAL PARK WAS AUTHORIZED IN 1924 AND ESTABLISHED FOR FULL DEVELOPMENT BY THE ACT OF JUNE 15, 1934, ALMOST 50 YEARS AGO.

THIS PARK HAS BEEN DESIGNATED AS A BIOSPHERE RESERVE IN RECOGNITION OF ITS ECOLOGICAL IMPORTANCE. IT IS ONE OF THE MOST POPULAR PARKS IN THE NATIONAL PARK SYSTEM WITH 8.5 MILLION VISITS RECORDED IN 1982. TOTAL FEDERAL LANDS WITHIN THE PARK AMOUNT TO ABOUT 520,000 ACRES.

SUBSECTION 3 (c) OF THE WILDERNESS ACT OF 1964 REQUIRED THE SECRETARY OF THE INTERIOR TO REVIEW EVERY ROADLESS AREA OF 5,000 CONTIGUOUS ACRES OR MORE IN THE NATIONAL PARKS, MONUMENTS, AND OTHER UNITS OF THE NATIONAL PARK SYSTEM AND RECOMMEND TO THE PRESIDENT AS TO THE SUITABILITY OR NONSUITABILITY OF EACH AREA FOR PRESERVATION AS WILDERNESS. THE ACT REQUIRED THE PRESIDENT TO ADVISE THE CONGRESS OF HIS RECOMMENDATION WITH RESPECT TO THE DESIGNATION AS WILDERNESS OF EACH AREA ON WHICH REVIEW HAS BEEN COMPLETED. IN ACCORDANCE WITH THOSE REQUIREMENTS A REVIEW OF ROADLESS AREAS IN GREAT SMOKY MOUNTAINS NATIONAL PARK WAS COMPLETED AND A RECOMMENDATION WAS SUBMITTED BY THE PRESIDENT TO CONGRESS IN 1974. THAT RECOMMENDATION PROPOSED THE DESIGNATION OF 390,500 ACRES AS WILDERNESS AND 400 ACRES AS POTENTIAL WILDERNESS. ALTHOUGH LEGISLATION HAS

BEEN INTRODUCED FROM TIME TO TIME, CONGRESS HAS TAKEN NO ACTION TO DESIGNATE WILDERNESS IN THIS NATIONAL PARK.

DURING THE 95TH CONGRESS THE NATIONAL PARK SERVICE RE-EXAMINED THE 1974 WILDERNESS PLAN AND IDENTIFIED ADDITIONAL AREAS, PRIMARILY AREAS SMALLER THAN 5,000 ACRES IN SIZE, THAT COULD BE CONSIDERED FOR WILDERNESS. HOWEVER, ON MAY 11, 1978, THE DEPARTMENT OF THE INTERIOR RECOMMENDED TO THE CONGRESS POSTPONEMENT OF ANY WILDERNESS DESIGNATION IN THIS PARK UNTIL THE NATIONAL PARK SERVICE RESOLVES A DISPUTE WITH NORTH CAROLINA ON CONSTRUCTION OF A NORTH-SHORE ROAD.

SINCE OUR 1974 RECOMMENDATION, SWAIN COUNTY NORTH CAROLINA HAS AGREED IN PRINCIPLE ON A SETTLEMENT OF THE 1943 AGREEMENT BETWEEN THIS DEPARTMENT, TVA, SWAIN COUNTY, AND THE STATE OF NORTH CAROLINA. UNDER THAT AGREEMENT THIS DEPARTMENT PROMISED TO BUILD A ROAD TO REPLACE A ROAD FLOODED BY FONTANA RESERVOIR. ENGINEERING STUDIES REVEALED THAT CONSTRUCTION AND MAINTENANCE OF A ROAD AT THIS SITE WOULD BE TECHNICALLY DIFFICULT, EXTREMELY EXPENSIVE, AND ENVIRONMENTALLY DAMAGING. THUS THE ROAD HAS NEVER BEEN BUILT. THE SETTLEMENT WOULD CONSIST OF A PAYMENT OF $9.5 MILLION FROM THE FEDERAL GOVERNMENT TO SWAIN COUNTY, IN LIEU OF THE FEDERAL GOVERNMENT'S OBLIGATION TO BUILD THE ROAD.

NOW THAT SWAIN COUNTY HAS AGREED ON THE SETTLEMENT OF THE ROAD ISSUE, WE RECOMMEND THAT THE CONGRESS MOVE FORWARD ON OUR 1974 WILDERNESS RECOMMENDATION, MODIFIED HOWEVER TO DELETE THE 400-ACRE POTENTIAL WILDERNESS. THE 400-ACRE POTENTIAL WILDERNESS WAS PROPOSED IN 1974 WITH THE THOUGHT THAT LECONTE LODGE IN TENNESSEE WOULD BE CLOSED AND THE SUPPORT FACILITIES IN THE 400 ACRES WOULD BE PHASED OUT. THIS IS NO LONGER THE CASE AND THE LODGE WILL CONTINUE FOR THE FORESEEABLE FUTURE.

WE THEREFORE RECOMMEND THE ENACTMENT OF LEGISLATION DESIGNATING 390,500 ACRES AS WILDERNESS.

MR. CHAIRMAN IN MAKING THIS RECOMMENDATION WE ARE MINDFUL OF THE CONCERN YOU AND OTHERS KNOWLEDGEABLE IN LAND MANAGEMENT ISSUES HAVE EXPRESSED ABOUT THE EFFECT OF WILDERNESS DESIGNATION ON NATIONAL PARK MANAGEMENT. SINCE BY LAW MINING AND COMMERCIAL TIMBER HARVESTING IN NATIONAL PARKS IS ALREADY PROHIBITED, WILDERNESS DOES NOT PROHIBIT THESE ACTIVITIES. WILDERNESS IN A PARK MEANS THAT THE NATIONAL PARK SERVICE MAY NOT CONSTRUCT A PERMANENT ROAD, PLACE SIGNIFICANT STRUCTURES OR INSTALLATIONS OR PERMIT MOTORIZED VEHICLES IN THE WILDERNESS. THE WILDERNESS ACT IS SPECIFIC, HOWEVER, IN PERMITTING TEMPORARY ROADS, STRUCTURES, AND MOTORIZED VEHICLES FOR MINIMUM ADMINISTRATIVE PURPOSES. ACCORDINGLY, WHILE WILDERNESS DOES RESTRICT MANAGEMENT DECISIONS ON NEW ROADS AND VISITOR CENTERS, IT DOES NOT STOP THE NATIONAL PARK SERVICE FROM TAKING NECESSARY ADMINISTRATIVE ACTIONS TO MANAGE AND PROTECT PEOPLE AND RESOURCES. ON BALANCE, WE BELIEVE THAT THE NET EFFECT OF WILDERNESS DESIGNATION IN A NATIONAL PARK IS TO REQUIRE CONGRESSIONAL AUTHORIZATION FOR ANY NEW PERMANENT ROAD OR FACILITY WITHIN THE WILDERNESS. WE BELIEVE SUCH PERMANENT ROADS AND STRUCTURES SHOULD ONLY BE BUILT IN PARKS AFTER THOROUGH DELIBERATION AND STUDY. AN ADDITIONAL REQUIREMENT FOR CONGRESSIONAL LEGISLATION ADDS AN ELEMENT OF CAUTION THAT, WE BELIEVE, IS CONSISTENT WITH OUR MANDATE TO PRESERVE THE PARKS FOR FUTURE GENERATIONS.

TURNING NOW TO THE BILLS BEFORE YOU, S. 1947 WOULD DESIGNATE 467,000 ACRES IN THE PARK AS WILDERNESS, WHEREAS S. 2183 WOULD DESIGNATE 400,000 ACRES AS WILDERNESS. NEITHER BILL DESIGNATES POTENTIAL WILDERNESS. AS STATED EARLIER, WE RECOMMEND 390,500 ACRES OF WILDERNESS

APPROXIMATELY 44,000 ACRES OF THE LANDS PROPOSED FOR WILDERNESS IN S. 1947 CONSISTS OF LANDS IN NORTH CAROLINA ACQUIRED BY THE TENNESSEE VALLEY AUTHORITY AND TRANSFERRED TO THE NATIONAL PARK SERVICE IN THE 1940'S. MUCH OF THIS LAND WAS ACQUIRED SUBJECT TO OUTSTANDING RIGHTS THAT INCLUDE MINERAL RIGHTS, TIMBER RIGHTS, CEMETERY, ROAD ACCESS, AND OTHERS THAT ARE INCONSISTENT WITH WILDERNESS. EXCEPT FOR THE RIGHT TO VISIT CEMETERIES, AND TVA'S ACTIVITIES RELATED TO OPERATION AND MAINTENANCE OF THE FONTANA DAM AND RESERVOIR AND RELATED FACILITIES, NONE OF THESE RIGHTS HAS BEEN EXERCISED IN THE LAST 30 YEARS. ALTHOUGH IT IS SLIGHT, THE POSSIBILITY REMAINS THAT OTHER RIGHTS WILL BE EXERCISED, AND FOR THAT REASON WE FEEL THESE LANDS ARE NOT SUITABLE FOR WILDERNESS DESIGNATION SO LONG AS SUCH RIGHTS ARE OUTSTANDING. THE PROVISION IN S. 1947 DIRECTING TVA AND INTERIOR TO NEGOTIATE A TRANSFER OF OUTSTANDING RIGHTS HAS NO EFFECT ON PRIVATE PARTIES WHO MAY HOLD THESE LEGAL RIGHTS. WE UNDERSTAND THAT TVA IS PROVIDING THE COMMITTEE WITH A LIST OF RIGHTS IT WOULD NEED TO RETAIN IF THE AREA IS DESIGNATED AS WILDERNESS.

S. 2183 ALSO MANDATES THE CONSTRUCTION OF A ROAD ALONG THE NORTH SHORE OF FONTANA LAKE IN NORTH CAROLINA TO PROVIDE VEHICULAR ACCESS TO CEMETERIES IN THE HAZEL CREEK AREA OF THE PARK. IT AUTHORIZES THE APPROPRIATION OF $950,000 FOR CONSTRUCTION OF THE ROAD, AND PROVIDES THAT THE WILDERNESS DESIGNATION ELSEWHERE IN THE PARK WILL NOT BECOME EFFECTIVE UNTIL THE ROAD IS COMPLETED.

WHILE WE UNDERSTAND THE DESIRE OF RELATIVES TO VISIT THE CEMETERIES IN THE HAZEL CREEK AREA, THE CONSTRUCTION OF A NEW ROAD TO PERMIT REGULAR TWO-WHEEL-DRIVE VEHICULAR ACCESS IS NOT NECESSARY. THERE IS A REASONABLE EXISTING ALTERNATIVE

ACCESS BY BOAT. SUCH A NEW ROAD, IF BUILT, WOULD BE UP TO 20 MILES IN LENGTH. CONSTRUCTION WOULD REQUIRE REMOVAL OF TREES THAT HAVE GROWN UP ON OLD BACKCOUNTY LOGGING TRAILS OVER THE LAST 50 YEARS, AND WOULD COST MUCH MORE THAN THE $950,000 AUTHORIZED FOR THIS PURPOSE BY THE BILL. FURTHER, IT WOULD INVITE WILDLIFE MANAGEMENT PROBLEMS AND OTHER MISUSE OF PARK RESOURCES. BECAUSE OF ITS ADVERSE EFFECT ON THE RESOURCES, ITS POTENTIAL FOR MANAGEMENT PROBLEMS, AND ITS EXCESSIVE COST, WE RECOMMEND AGAINST THIS ROAD PROVISION.

CURRENTLY WE FOLLOW A POLICY OF ASSISTING ACCESS FOR THOSE WHO WISH TO VISIT THE CEMETERIES BY MEANS OF PARK BOATS AND FOUR-WHEEL-DRIVE VEHICLES. SUCH LIMITED ACCESS PROVIDES RELATIVES AND FRIENDS OF THE DECEASED A WAY TO VISIT THE CEMETERIES WITHOUT THE RESOURCE AND MANAGEMENT PROBLEMS A PUBLIC ROAD IN THIS AREA WOULD CREATE. WE INTEND TO CONTINUE THIS POLICY. TO ASSURE THAT FUNDS WILL CONTINUE TO BE AVAILABLE FOR THIS ACTIVITY, WE RECOMMEND THAT YOUR COMMITTEE ADOPT LANGUAGE SPECIFICALLY AUTHORIZING APPROPRIATIONS FOR THAT PURPOSE. WE ESTIMATE THAT $500,000 WILL BE ADEQUATE TO CONTINUE THE MAINTENANCE OF THE OLD EXISTING ACCESS ROUTES FOR THE FORESEEABLE FUTURE.

S. 2183 ALSO CONTAINS PROVISIONS, NOT FOUND IN S. 1947, THAT (1) REQUIRE THE SECRETARY OF THE INTERIOR TO REVIEW POLICIES ON DISEASES, INSECTS, AND FOREST FIRES TO PROTECT NONWILDERNESS LANDS, (2) DISCLAIM ANY INTENT TO AUTHORIZE BUFFER ZONES ADJACENT TO WILDERNESS, AND (3) AUTHORIZE SPECIAL ACCESS FOR THE HANDICAPPED TO WILDERNESS IN A MANNER CONSISTENT WITH THE WILDERNESS ACT. WE RECOMMEND AGAINST THE ADOPTION OF THESE PROVISIONS. OUR POLICY IS TO CONTROL FIRE, INSECTS, AND DISEASES WHERE NECESSARY TO PROTECT LANDS AND PROPERTY

OUTSIDE THE PARK. WE SEE NO NEED FOR A SPECIAL REVIEW OR FOR A STATEMENT ON BUFFER ZONES AND ACCESS FOR THE HANDICAPPED. UNDER OUR MANAGEMENT POLICIES, FACILITIES FOR THE HANDICAPPED ARE PROVIDED IN THE DEVELOPED AREAS OF THE PARK AND AT THE THRESHHOLD OF THE BACKCOUNTRY, BUT NOT IN THE BACKCOUNTRY OR WILDERNESS ITSELF.

S. 1947 AND S. 2183 CONTAIN IDENTICAL PROVISIONS AUTHORIZING THE SECRETARY TO PLACE AN HISTORICAL MARKER AT SOCO GAP. WE HAVE DONE NO SPECIFIC HISTORICAL STUDIES OF SOCO GAP, BUT WE WOULD HAVE NO OBJECTION TO SUCH A PLACEMENT IF CONGRESS DIRECTED. THE BLUE RIDGE PARKWAY RUNS THROUGH SOCO GAP, HOWEVER, AND NO SPECIAL AUTHORIZATION IS NECESSARY TO PERMIT US TO ERECT AN INFORMATION SIGN ON PARKWAY LANDS.

MOST OF THE REMAINING PROVISIONS OF S. 1947 AND S. 2183 DEAL WITH SETTLEMENT OF THE 1943 AGREEMENT UNDER WHICH THE DEPARTMENT OF THE INTERIOR AGREED TO BUILD A REPLACEMENT ROAD WITHIN THE PARK FOR ONE THAT WAS TO BE FLOODED BY FONTANA LAKE. UNDER THE AGREEMENT SWAIN COUNTY AND THE STATE OF NORTH CAROLINA WOULD BUILD THAT PART OF THE ROAD OUTSIDE THE PARK AND WE WOULD BUILD THE PART WITHIN THE PARK. IN THE MID-1960'S THE NATIONAL PARK SERVICE BEGAN CONSTRUCTION OF THE ROAD. THE STATE AND COUNTY HAD ALREADY ACQUIRED THE RIGHT-OF-WAY FOR AND BUILT THE 2.6 MILES OF REPLACEMENT ROAD UP TO THE PARK BOUNDARY. BUT NEW CONCERNS ABOUT THE EFFECT OF THE ROAD ON PARK RESOURCES AS WELL AS COSTS CAUSED THE FEDERAL GOVERNMENT TO DISCONTINUE THE PROJECT.

ALTHOUGH AS A MATTER OF LAW THE GOVERNMENT IS NOT LIABLE TO PAY SWAIN COUNTY ANYTHING, NEVERTHELESS THE STATE AND THE COUNTY INCURRED CERTAIN COSTS IN COMPLETING PART OF THE ROAD, ACTING ON OUR PROMISE IN 1943 TO BUILD THE REMAINDER. OUR INFORMATION IS THAT THE COUNTY ALSO INCURRED A NET COST OF $1.3 MILLION OVER 40 YEARS TO PAY FOR BONDS USED TO BUILD THE ORIGINAL ROAD THAT RUNS BY FONTANA RESERVOIR. COMPOUNDED ANNUALLY FROM 1940 THROUGH 1980 AT 5 PERCENT, THIS AMOUNT WOULD EQUAL ABOUT $9.6 MILLION. FOR THE PURPOSE OF ACHIEVING A RESOLUTION TO THIS LONG-STANDING ISSUE, WE HAVE NO OBJECTION TO PAYING THE COUNTY $9.5 MILLION AS REQUIRED BY BOTH BILLS.

THE BILLS DIFFER IN TWO MAJOR RESPECTS, CONCERNING THE SETTLEMENT: S. 1947 CONTAINS A STATEMENT OF SETTLEMENT, PROVIDING THAT THE PAYMENT CONSTITUTES FULL SETTLEMENT OF ALL CLAIMS AGAINST THE UNITED STATES. S. 2183 CONTAINS NO SUCH PROVISION. WE BELIEVE THE PROVISION IS ABSOLUTELY NECESSARY IF THE FEDERAL GOVERNMENT IS TO BE REQUIRED TO MAKE THE PAYMENT TO THE COUNTY. ALSO, S. 2183 PROHIBITS PAYMENT OF ANY APPROPRIATED FUNDS TO AGENTS OR ATTORNEYS IN CONNECTION WITH SETTLEMENT OF THE CLAIM. S. 1947 IS SILENT ON THIS POINT. WE RECOMMEND THAT SUCH A PROVISION BE INCLUDED.

FINALLY, BOTH BILLS WOULD FORGIVE REPAYMENT OF A LOAN MADE TO SWAIN COUNTY BY THE FARMERS HOME ADMINISTRATION OF THE DEPARTMENT OF AGRICULTURE FOR CONSTRUCTION OF A HIGH SCHOOL. WE UNDERSTAND THAT THE DEPARTMENT OF AGRICULUTRE HAS NOTIFIED THE COMMITTEE OF ITS OPPOSITION TO THIS PROVISION.

MR. CHAIRMAN, FOR THE REASONS STATED WE RECOMMEND DESIGNATION OF 390,500 ACRES OF WILDERNESS IN GREAT SMOKY MOUNTAINS NATIONAL PARK AND DO NOT OBJECT TO SETTLEMENT OF CLAIMS BASED ON THE 1943 AGREEMENT, IF AMENDED AS WE SUGGEST.

THIS CONCLUDES MY PREPARED REMARKS. I WILL BE PLEASED TO RESPOND TO ANY QUESTIONS YOU OR OTHER MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

Senator WALLOP. Russ, thank you.

Could you give me an estimate of what it would cost to build a primitive-type road as contemplated in the Helms bill?

Mr. DICKENSON. We've asked ourselves and others that question, Mr. Chairman. I cannot give you a definitive statement, but I can cite to you that in most instances today where you're dealing with rugged terrain such as we have here, and the need for a large number of structures, trail structures, for example, bridges crossing streams, in most instances you're dealing with as much as $50,000 per mile just for trails. I would believe that in that terrain you may be dealing in costs as high as $100,000 to $150,000 per mile.

Our view is that $950,000, as cited in S. 2183, would be totally inadequate. If you built up to 20 miles of road in that terrain, in the location where you had a reasonable chance of holding it, and provided reasonable crossings for the many streams which go down, you're dealing in the millions of dollars.

Senator WALLOP. The other area that seems to concern those who are worried about its nondesignation as wilderness is what the National Park Service would likely do. If you didn't have roads and other things, it's not likely that you would be constructing visitor centers or other kinds of structures troublesome to the natural qualities of the area. I mean if you had no roads, what is likely to be the construction that would take place, if any?

Mr. DICKENSON. I think that for all practical purposes, the general management plan is largely rounded out, although there might be some additional facilities, or an enlargement of facilities. There should not be any additional roads built in the Great Smoky National Park.

From time to time, a second transmountain road was talked about, which would complement the New-Found Gap Road. That should not be built in today's world. It is environmentally unacceptable in today's world.

So the effect of wilderness designation on the Great Smoky Mountains National Park as we proposed it on this map here, which is shown in green [indicating], would be minimal; largely, an additional overlay of protection on the existing protections built into the National Park Act.

Senator WALLOP. My question goes more to the 44,000 acres. I think you heard testimony earlier that if it wasn't designated you might be building visitor centers and other things. But there wouldn't be any purpose in such a thing if there wasn't any road to them, would there?

Mr. DICKENSON. Well, that's certainly true. The highest and best use of that area north of the Fontana Reservoir is as wilderness ultimately. As long as those outstanding rights are there, the Congress should not make that designation, in our professional opinion. But at the same time, the earlier plan to provide a road clear through, for example, might have made some economic and Park visitation sense, if it could have had a good starting point and a good ending point.

Under the current situation of the $950,000 road, it simply does not serve the kind of multipurpose that would be desired; therefore, no visitor center, no campgrounds and such.

Senator Wallop. You could, with the $500,000 that you're requesting, provide sufficient improvement on the existing tracks and trails to take care of the cemetery access?

Mr. Dickenson. Mr. Chairman, we see that as providing basically for the cost of the barge to get additional vehicles to the site to accommodate the cemetery access; we see that for the passenger boat which is required, and for the kind of minimal brushing-out and maintenance of those vehicular access roads. That's the purpose of that amount.

Senator Wallop. And those who have burial rights could continue to exercise them if that was their wish?

Mr. Dickenson. We would have no objection to that.

Senator Wallop. Thank you very much. I appreciate your testimoney here this morning.

Mr. Dickenson. All right.

Senator Wallop. Now, we're going into the timed segment of the hearing. There are 2 hours and 30 minutes of witnesses. If everybody exercises their full 3 minutes, as you can see, it's 11:30, it's going to take us well beyond the scheduled sitting time. So if anybody can reduce their testimony, let me assure you that it will be the record. But I will hold by the 3 minute rule as an absolute minimum.

The next is a panel of Swain County elected officials, Mercedith Bacon, county commissioner; Joseph Pachnowski, Swain County attorney; Barry Hipps, Swain County commission; and, William Lewis, sheriff of Swain County.

Ms. Bacon.

STATEMENT OF MERCEDITH BACON, SWAIN COUNTY COMMISSIONER

Ms. Bacon. Thank you, Mr. Chairman.

I am Mercedith Bacon, one of the county commissioners for Swain County. On behalf of the other two commissioners, I'd like to say that we appreciate the opportunity to appear before this subcommittee.

I speak as an elected official who has had to make choices concerning the proposed settlement. I speak as a native woman who was born in a little settlement called Bushnell, located in the 44,000-acre tract that is now owned by the National Park Service.

My ancestors sold their land to the TVA, just like all the other residents in that area did, and moved out.

You have already heard the historical chronology of the problem eloquently stated by previous speakers, and I won't repeat that now.

I sympathize with the Swain County citizens who have or will be speaking here today, voicing their feelings about this longstanding grievance that began when residents learned some 40 years ago that they must sell their home places to TVA for the purpose of building a reservoir under the War Powers Act, which authorized the Fontana Dam project to generate power for Oak Ridge, TN, to produce and generate power for production of aluminum needed in the war effort.

In a spirit of patriotism, some 88 percent of those residents voluntarily sold their lands to TVA. Only 3.4 percent refused to sell their lands, resulting in condemnation proceedings. Some 8.6 percent of the lands were condemned to clear titles because of back taxes.

Later, this acreage was transferred to the Great Smoky Mountains National Park, as you have heard, 1,049 graves were moved to other cemeteries, 901 graves were left intact after their next of kin signed what is known as remain agreements, 93 graves remained behind because they either could not be identified, or their next of kin located.

Today, the Park Service ferries people across to those graves, where they are met by a motorized vehicle that takes them as close as possible to the cemeteries, as provided in appendix D of the management plan of the Great Smoky Mountains National Park.

Persistent efforts over the past 40 years on the part of elected officials, such as ourselves, at every level of government, has failed to produce the long-awaited-for north shore road. We have given up on that. We do desire a cash settlement in lieu of a road.

I respectfully, on behalf of the county commissioners, request any legislation favorably reported by this subcommittee include as a minimum the following provisions: One, $9½ million cash settlement. If possible, language both authorizing and appropriating this sum upon ratification of the bill. To ensure that Swain County is paid, payment of $9.5 million is a prerequisite to any lands in the Great Smoky Mountains National Park coming under the protection of the Wilderness Act of 1964; two, forgiveness of the FHA school bond indebtedness now at about $1.6 million. As a minimum, we request reasonable access to cemeteries located within the 44,000 acre tract with permissible motor vehicle access, where appropriate; three, the access language in Senate 1947, the Baker-Sasser bill, should be, we feel, amended to prevent any administrative changes to the cemetery access and maintenance policy for the Great Smoky Mountains National Park that might result with revisions in the general management plan; four, management practices of the Great Smoky Mountain Park shall not interfere with the present use of the lake.

Our county administrator will pick up from here.

[The prepared statement of Ms. Bacon follows:]

PAGE 1 REMARKS -- MERCEDITH BACON, SWAIN COUNTY COMMISSIONER.

HEARING BY THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON S. 1947 and S. 2183, BILLS WHICH DESIGNATE CERTAIN LANDS AS WILDERNESS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK IN NORTH CAROLINA AND TENNESSEE - March 27, 1984, WASHINGTON, D. C.

REMARKS BY MERCEDITH BACON, SWAIN COUNTY COMMISSIONER, BRYSON CITY, N.C.

MR. CHAIRMAN,

I AM MERCEDITH BACON, ONE OF THREE COUNTY COMMISSIONERS FOR SWAIN COUNTY. WE APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THIS SUBCOMMITTEE TO HELP YOU UNDERSTAND OUR NEEDS AND WISHES IN THE MATTER OF THE 1943 SETTLEMENT CONTROVERSY. I SPEAK AS AN ELECTED OFFICIAL WHO HAS HAD TO MAKE CHOICES CONCERNING THE PROPOSED SETTLEMENT CALLED BUSHNELL LOCATED IN THE 44,000 ACRE TRACT THAT IS NOW OWNED BY THE NATIONAL PARK SERVICE. MY ANCESTORS SOLD THEIR LANDS TO THE TENNESSEE VALLEY AUTHORITY, JUST LIKE ALL THE OTHER RESIDENTS IN THAT AREA DID, AND MOVED OUT.

I IDENTIFY AND SYMPATHIZE WITH THE SWAIN COUNTY CITIZENS WHO HAVE OR WILL BE SPEAKING HERE TODAY VOICING THEIR FEELINGS ABOUT LONG STANDING GRIEVANCES. I HAVE GROWN UP HEARING THOSE SENTIMENTS OFTEN EXPRESSED. SENTIMENTS THAT BEGAN WHEN RESIDENTS LEARNED SOME FORTY YEARS AGO THAT THEY MUST SELL THEIR HOMEPLACES TO T.V.A. FOR THE PURPOSE OF BUILDING A RESERVOIR UNDER THE WAR POWERS ACT WHICH AUTHORIZED THE FONTANA DAM PROJECT TO GENERATE POWER FOR OAK RIDGE, TENNESSEE, TO PRODUCE AND GENERATE POWER FOR PRODUCTION OF ALUMINUM NEEDED IN THE WAR EFFORT. SOME 88% OF THE PEOPLE VOLUNTARILY SOLD THEIR LANDS TO T.V.A., 3.4% REFUSED TO SELL THEIR LANDS RESULTING IN CONDEMNATION OF THEIR LANDS; SOME 8.6% OF THE LANDS WERE CONDEMNED TO CLEAR TITLES BECAUSE OF BACK TAXES, ETC.

REMARKS- MERCEDITH BACON, CONTINUED

LATER (1946) THE 44,000 ACRE TRACT WAS TRANSFERRED TO THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

CERTAINLY, IT WAS A VERY TRAUMATIC EXPERIENCE FOR EVERY ONE OF THOSE RESIDENTS, PARTICULARLY THE 3.4 PERCENT WHOSE LANDS WERE CONDEMNED TO LEAVE THEIR HOMELAND. UNDOUBTEDLY EMOTIONS RAN HIGH AS THOSE FAMILIES BUILT THAT LAST FIRE IN THE FIREPLACE, WALKED THROUGH THE FAMILIAR GARDEN PLOT TO GAZE AT THE SOIL THAT HAD PRODUCED VEGETABLES AND FRUIT FOR THEIR FAMILIES FOR GENERATIONS. IT WAS SOIL WHERE THEY WERE BORN AND HAD THEMSELVES CONCEIVED AND GIVEN BIRTH TO THEIR OWN CHILDREN.

IT WAS NOT EASY FOR THEM TO UNLOAD THE HAY AND GRAIN FROM THEIR SMALL BARNS AND PACK THEM INTO WAGONS TO BE UNLOADED ALONG WITH THEIR FAITHFUL FARM ANIMALS IN SOME DISTANT AND UNFAMILIAR PLACE WHERE THE FAMILIAR FACES AND SOUNDS OF THE NEIGHBORHOOD, SCHOOL, CHURCH, COUNTRY STORE AND POST OFFICE, THEIR WORK PLACES, THE SECURITY OF EXTENDED FAMILIES AND FRIENDS, THE CAMARADERIES THAT DEVELOPED WHERE MOUNTAINEOUS TERRAIN ISOLATED PEOPLE FROM THE REST OF THE WORLD...EVEN FROM THE NEXT COUNTY! IN THOSE DAYS SOPHISTICATED MEANS OF COMMUNICATION WERE VIRTUALLY NONEXISTENT IN THESE MOUNTAINS.

THE PEOPLE WERE GIVEN SOME CHOICES. "YOU MAY LEAVE YOUR DEAD BEHIND," T.V.A. SAID, "OR WE WILL REMOVE THE GRAVES TO YOUR CHOICE OF CEMETERIES." MANY PEOPLE OPTED TO HAVE FAMILY GRAVES MOVED AS THEY WERE INFORMED THAT THE GRAVES WOULD BE ISOLATED IF LEFT BEHIND. 1,049 WERE MOVED TO OTHER CEMETERIES. 901 GRAVES WERE LEFT INTACT AFTER THEIR NEXT OF KIN SIGNED REMAIN AGREEMENTS. 93 GRAVES REMAINED BEHIND BECAUSE THEY EITHER COULD NOT BE IDENTIFIED OR THEIR NEXT OF KIN LOCATED.

TODAY THE PARK SERVICE PROVIDES ACCESS TO THOSE GRAVES BY FERRYING PEOPLE ACROSS THE FONTANA LAKE WHERE A MOTORIZED PARK SERVICE VEHICLE CARRIES

THEM AS CLOSE AS POSSIBLE TO THE CEMETERIES AS PROVIDED IN "APPENDIX D" OF THE MASTER PLAN OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK MANAGEMENT PLAN.

IN 1943, THE U.S. GOVERNMENT CONTRACTED TO CONSTRUCT A ROAD ALONG THE NORTH SHORE OF THE FONTANA LAKE. IT WAS THOUGHT FOR YEARS THAT THE GOVERNMENT WOULD ONE DAY HONOR THAT AGREEMENT AND BUILD THE NORTH SHORE ROAD IN COMPENSATION FOR THE ROAD THAT WAS FLOODED BY THE FILLING OF THE FONTANA LAKE RESERVOIR, BUILT IN 1944 AND FILLED UP IN 1945.

PERSISTENT EFFORTS OVER THE PAST FORTY YEARS ON THE PART OF ELECTED OFFICIALS AT EVERY LEVEL OF GOVERNMENT HAS FAILED TO PRODUCE THE LONG AWAITED NORTH SHORE ROAD. FINALLY, WE BEGAN TO BE TOLD FROM WASHINGTON THAT ENVIRONMENTAL CONCERNS PREVENTED THE ROAD FROM BEING COMPLETED AND THAT THE ROAD WOULD, IN FACT, NEVER BE BUILT. TIME DOES NOT PERMIT A DISCUSSION OF THE VARIOUS OPTIONS THAT HAVE BEEN EXPLORED AS A POSSIBLE VIABLE SETTLEMENT OF THE GOVERNMENT'S OBLIGATION TO SWAIN COUNTY, NONE OF WHICH HAVE PRODUCED RESULTS. BELIEVING THE REALITY OF THE STATEMENTS THAT NO ROAD WOULD EVER BE BUILT, SWAIN COUNTY OFFICIALS BEGAN EXPLORING THE LABORIOUS TASK OF SEEKING A CASH SETTLEMENT IN LIEU OF THE LONG HOPED FOR ROAD AS THE COUNTY BEGAN TO EXPERIENCE THE DISASTEROUS ECONOMIC RESULTS OF HAVING SOME 82% OF ITS TAXABLE LAND BASE IN FEDERAL GOVERNMENT OWNERSHIP BY T.V.A., GREAT SMOKY MOUNTAINS NATIONAL PARK, NATIONAL FOREST SERVICE LANDS, AND THE CHEROKEE INDIAN RESERVATION.

IN SPITE OF INTENSE EFFORTS OVER THE PAST FEW YEARS, SETTLEMENT OF THIS LONG STANDING CONTROVERSY BY WAY OF A CASH SETTLEMENT HAS BEEN ELUSIVE AND FRAUGHT WITH MANY DISAPPOINTMENTS, DELAYS AND SHATTERED HOPES.

HAVING BECOME CONVINCED BY THE REALITY OF HAVING NO ROAD FOR FORTY YEARS, REMARKS -- MERCEDITH BACON, CONTINUED

I, TOO, AM CONVINCED THAT THERE NEVER WILL BE A ROAD UNLESS YOU, GENTLEMEN, REVERSE THE TREND.

THEREFORE, IT IS MY BELIEF THAT WE ARE JUSTIFIED IN ASKING FOR AN IMMEDIATE SETTLEMENT OF THIS OLD CONTROVERSY WHICH HAS CAUSED SO MUCH GRIEF IN SWAIN COUNTY.

I RESPECTFULLY REQUEST THAT ANY LEGISLATION FAVORABLY REPORTED BY THIS SUBCOMMITTEE INCLUDE AS A MINIMUM THE FOLLOWING:

1. 9.5 MILLION DOLLAR CASH SETTLEMENT. LANGUAGE BOTH AUTHORIZING AND AND APPROPRIATING THIS SUM UPON RATIFICATION OF BILL. TO INSURE THAT SWAIN COUNTY IS PAID, PAYMENT OF 9.5 MILLION IS A PREREQUISITE TO ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK COMING UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.
2. FORGIVENESS OF F.H.A. SCHOOL BOND INDEBTEDNESS.
3. AS A MINIMUM, REASONABLE ACCESS TO CEMETERIES LOCATED WITHIN THE 44,000 ACRE TRACT WITH PERMISSABLE MOTOR VEHICLE ACCESS WHERE APPROPRIATE. THE ACCESS LANGUAGE IN S. 1947 SHOULD BE AMENDED TO PREVENT ANY ADMINISTRATIVE CHANGES TO THE CEMETERY ACCESS AND MAINTENANCE POLICY FOR THE GREAT SMOKY MOUNTAINS NATIONAL PARK THAT MIGHT RESULT WITH REVISIONS IN THE GENERAL MANAGEMENT PLAN.
4. MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL NOT INTERFERE WITH PRESENT AND FUTURE USE OF FONTANA LAKE.
5. PROHIBIT THE CLOSING OF HIGHWAY 441 FROM CHEROKEE TO GATLINBURG AND PROVIDE UNRESTRICTED PRIVATE VEHICLE USE.
6. THE CONCEPT OR IMPLEMENTATION OF ANY "BUFFER" ZONES EXTENDING BEYOND THE BOUNDARIES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK BE PROHIBITED. ANY INTERFERENCE WITH ADJACENT PRIVATE PROPERTY RIGHTS IN UNACCEPTABLE.
7. SUCH OTHER RELIEF AS THE SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE THAT HAS A REASONABLE CHANCE OF PASSING BOTH HOUSES OF CONGRESS.

THANK YOU FOR YOUR TIME AND ATTENTION.

MERCEDITH BACON

SWAIN COUNTY COMMISSIONER

BRYSON CITY, NORTH CAROLINA 28713

STATEMENT OF JOSEPH PACHNOWSKI, ATTORNEY, SWAIN COUNTY

Mr. **Pachnowski.** No. 5. Prohibit the closing of Highway 441 from Cherokee to Gatlinburg and providing unrestricted private vehicle use. (6) The concept or implementation of any buffer zone extending beyond the boundaries of the Great Smoky Mountains National Park be prohibited; any interference with adjacent private property rights is unacceptable.

And during your deliberations, Chairman Wallop, I trust that when you review these two bills that are pending before your subcommittee, that you try and resolve any differences and not get caught up in a stalemate.

Swain County has been caught up in the Federal Government's stalemate 40-some years. Such a stalemate would, indeed, be highly unfair in light of the already protracted life of the dispute some 40 years. And additional disharmony will result locally.

The further economic hardship that it would cause would be unfair to Swain County.

In brief, Mr. Chairman, any legislation which doesn't have a fair chance of being implemented by Congress is not just legislation, since it will not provide a result or an answer or relief for Swain County. Thank you.

Senator **Wallop.** Thank you very much. I appreciate that concern. And I would hope that everybody feels the same way and that there's not such rigidity on the part of all positions that a sensible resolution cannot take place. I don't feel very much disposed just to roll over because some say it's hard. On the other hand, I understand the history and problems that you've had.

Mr. Hipps.

STATEMENT OF BARRY HIPPS, SWAIN COUNTY COMMISSIONER

Mr. **Hipps.** Thank you, Mr. Chairman. I will submit my statement for the record which is essentially the same as I gave in Bryson City. We have these same points, and I will not belabor those. But I would like to point out, I do serve as the County Administrator for Swain County government, and certainly the cash settlement and the forgiveness of the school bond is very critical to the county being able to provide much-needed facilities and, really, to increase and improve the quality of services we offer to our people.

I deal daily with the problems of very limited budgets and resources, and I simply ask to stress and urge that all parties to this matter, as Mr. Pachnowski just said, try to find some common ground, and ground that may not be what everyone would want, but that we could live with.

And I thank you for the opportunity to testify again before you.

[The prepared statement of Mr. Hipps follows:]

JAMES L. COGGINS
Chairman

MERCEDITH BACON
Commissioner

BILL STYLES
Commissioner

BARRY HIPPS
County Administrator

SWAIN COUNTY

POST OFFICE DRAWER A

BRYSON CITY, NORTH CAROLINA 28713

TELEPHONE 704/488-9273

PAGE 1 REMARKS - JOSEPH BARRY HIPPS
STATEMENT BY JOSEPH BARRY HIPPS BEFORE THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, ON SENATE BILLS 1947 AND 2183,
MARCH 27, 1984, WASHINGTON, D.C.

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE:

MY NAME IS BARRY HIPPS. I AM A RESIDENT OF BRYSON CITY, NORTH CAROLINA, AND SERVE AS THE COUNTY ADMINISTRATOR FOR SWAIN COUNTY. SENATE BILLS 1947 AND 2183 BOTH CONTAIN LANGUAGE ADDRESSING THE LONGSTANDING DISPUTE BETWEEN SWAIN COUNTY AND THE FEDERAL GOVERNMENT OF THESE UNITED STATES, ARISING FROM AN AGREEMENT DATED JULY 30, 1943.

THE FAILURE OF THE FEDERAL GOVERNMENT TO TAKE THE NECESSARY STEPS TO FULFILL ITS PART OF THE 1943 AGREEMENT HAS MEANT MANY LONG, BITTER YEARS OF FRUSTRATION FOR SWAIN COUNTY. FORTY-ONE YEARS IS LONG ENOUGH FOR THE GOOD PEOPLE OF SWAIN COUNTY TO WAIT.

THE EXTREMELY HIGH PERCENTAGE OF FEDERAL LAND OWNERSHIP IN SWAIN COUNTY, IN EXCESS OF 82%, SEVERELY RESTRICTS THE COUNTY'S PROPERTY TAX BASE. IN MANY INSTANCES, SWAIN COUNTY HAS BEEN FINANCIALLY UNABLE TO PROVIDE ANY MORE THAN A BARE MINIMUM LEVEL OF NEEDED SERVICES AND PUBLIC FACILITIES FOR HER CITIZENS. FACILITIES, SERVICES, AND A POSITIVE FEELING OF GENERAL PROSPERITY TAKEN FOR GRANTED IN MANY COMMUNITIES ACROSS OUR REGION, STATE, AND NATION, HAVE SEEMED BEYOND THE REACH OF SWAIN COUNTY. NOW IS THE TIME TO BEGIN TO REVERSE THIS SITUATION.

I RESPECTFULLY REQUEST THAT THE MEMBERSHIP OF THIS SENATE SUBCOMMITTEE, AND YOUR COLLEAGUES IN THE U.S. SENATE AND HOUSE OF REPRESENTATIVES, LEND YOUR STRONGEST POSSIBLE SUPPORT TO LEGISLATIVE LANGUAGE PROVIDING FOR THE AUTHORIZATION AND DIRECT APPROPRIATION OF THE SUM OF $9.5 MILLION FROM THE TREASURY OF THE UNITED STATES TO SWAIN COUNTY. I SEEK ALSO YOUR SUPPORT FOR LANGUAGE RELIEVING SWAIN COUNTY OF ANY FURTHER LIABILITY TO MAKE PAYMENTS ON THE FARMER'S HOME ADMINISTRATION LOAN ON THE SWAIN COUNTY HIGH SCHOOL.

PAGE 2 REMARKS - JOSEPH BARRY HIPPS

IN MY VIEW, THE FULL EXECUTION OF THE CASH PAYMENT AND LOAN FORGIVENESS MUST BE A PREREQUISITE TO THE PLACING OF ANY LANDS IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK UNDER THE PROTECTION OF THE WILDERNESS ACT OF 1964.

FURTHER, I EARNESTLY REQUEST THAT ANY LEGISLATION FAVORABLY REPORTED BY THIS SUBCOMMITTEE EMBODY THE FOLLOWING POINTS:

(1) AT A MINIMUM, GUARANTEED CONTINUATION OF PRESENT ACCESS, CEMETARY MAINTENANCE, AND MOTOR VEHICLE TRANSPORTATION ARRANGEMENTS TO CEMETARIES LOCATED WITHIN THE 44,000 ACRE TRACT;

(2) MANAGEMENT PRACTICES OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SHALL IN NO WAY INTERFERE WITH OR RESTRICT ANY PRESENT OR FUTURE RECREATIONAL OR OTHER USES OF FONTANA LAKE.

(3) STRICTLY PROHIBIT THE CLOSING OR ANY RESTRICTION OF PRIVATE VEHICLE USE OF U.S. HIGHWAY 441 ALONG ITS ENTIRETY FROM CHEROKEE, N.C. TO GATLINBURG, TENN.

(4) STRICTLY PROHIBIT THE CLOSING OF ANY OTHER ROADS OR TRAILS WITHIN THE PARK WHICH HAVE BEEN OPEN TO PUBLIC USE AT ANY TIME WITHIN THE PAST YEAR;

(5) STRICTLY PROHIBIT THE PLANNING, IMPLEMENTATION, OR ENFORCEMENT OF ANY "BUFFER ZONES" EXTENDING BEYOND THE LEGAL BOUNDARIES OF THE PARK. ANY INTERFERENCE BY THE PARK WITH ANY ADJACENT PRIVATE PROPERTY RIGHTS IS UNACCEPTABLE.

(6) SUCH OTHER RELIEF AS THIS SUBCOMMITTEE DEEMS SUITABLE AND APPROPRIATE WHICH HAS REASONABLE PROSPECTS FOR RATIFICATION BY BOTH THE U.S. SENATE AND HOUSE OF REPRESENTATIVES.

I THANK YOU FOR YOUR THOUGHTFUL CONSIDERATION AND EFFORTS ON BEHALF OF SWAIN COUNTY IN THIS MATTER

Joseph Barry Hipps
JOSEPH BARRY HIPPS

COUNTY ADMINISTRATOR, SWAIN
COUNTY, NORTH CAROLINA
MARCH 27, 1984

ADDRESS:

P.O. BOX 1096
BRYSON CITY, N.C. 28713

Senator **Wallop**. Thank you, very much, Mr. Hipps. I appreciate very much your coming up here, and your entire statement will be a part of the record.

Sheriff **Lewis**. It's nice to see you. And just for any of you out here, if you ever have to go to jail, I recommend Sheriff Lewis' jail, you get real good food in it. [Laughter.]

Senator **Wallop**. I had the privilege of having lunch with him in Bryson City.

STATEMENT OF WILLIAM D. LEWIS, SHERIFF, SWAIN COUNTY, NC

Mr. **Lewis**. Mr. Chairman, and members of the subcommittee, my name's Bill Lewis. I'm presently serving as the sheriff of Swain County.

Mr. Chairman, I'd like to take this opportunity to express the appreciation of the citizens of Swain County for the subcommittee hearing which you chaired in Bryson City on March 16. Many people were able to attend and testify at that hearing who are unable to be with us here today.

Please allow me to focus your attention on the position Swain County found itself in as a result of the 1943 agreement and the impoundment of Fontana Lake.

In the 1920's, the Forney Creek Road District in Swain County issued bonds totaling $600,000 to construct a road from Deal's Gap to Bryson City.

In 1940, Swain County assumed the outstanding principal of $456,000, together with secured interest of $235,000.

This road, which had become North Carolina Highway 288, and was in great part flooded upon completion of the dam, and has been covered by the waters of Fontana Lake for over 40 years.

Even though much of Highway 288 was flooded and the remaining was left inaccessible, however, Swain County continued, despite a severely limited property tax base, to make payments on the debt for the flooded highway.

Swain County made a final payment in the amount of $286,500 to the Chase Manhattan Bank in July 1975. The county had continued to make payments for over 30 years for a road which had been under the waters of Fontana Lake 30 years.

The 1943 agreement provided for the Department of the Interior to build a road along the north shore of Fontana Lake to replace the flooded Highway 288. Only a short section of this road has been completed in 41 years. Swain County has kept its part of the bargain. The U.S. Government has not.

The people of Swain County have sacrified much in this matter. Taxpayers in a very poor county continued to pay for over 30 years for a road which was under the lake.

I call upon you to see that at long last the Federal Government takes prompt and reasonable action to settle this issue in the best possible manner for the people of Swain County.

It is totally unacceptable, in my view, for any land in the Great Smoky Mountains National Park to be designated as wilderness until after the full cash payment and loan foregiveness has been completely fulfilled. I thank you for your consideration.

[The prepared statement of Mr. Lewis follows:]

WILLIAM D. "BILL" LEWIS, SHERIFF
SWAIN COUNTY
P.O. BOX 1398, BRYSON CITY, N.C. 28713
704/488-2197

STATEMENT BY WILLIAM D. LEWIS, SHERIFF OF SWAIN COUNTY, NORTH CAROLINA, BEFORE THE PUBLIC LANDS AND RESERVED WATER SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE, ON SENATE BILLS 1947 AND 2183;

MARCH 27, 1984, WASHINGTON, D.C.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

MY NAME IS BILL LEWIS. I AM PRESENTLY SERVING AS THE SHERIFF OF SWAIN COUNTY.

MR. CHAIRMAN, I WOULD LIKE TO TAKE THIS OPPORTUNITY TO EXPRESS THE APPRECIATION OF THE CITIZENS OF SWAIN COUNTY FOR THE SUBCOMMITTEE HEARING WHICH YOU CHAIRED IN BRYSON CITY ON MARCH 16. MANY PEOPLE WERE ABLE TO ATTEND AND TESTIFY AT THAT HEARING WHO ARE UNABLE TO BE WITH US HERE IN WASHINGTON TODAY.

PLEASE ALLOW ME TO FOCUS YOUR ATTENTION ON THE POSITION SWAIN COUNTY FOUND ITSELF IN AS A RESULT OF THE 1943 AGREEMENT AND THE IMPOUNDMENT OF FONTANA LAKE. IN THE 1920's, THE FORNEY CREEK ROAD DISTRICT IN SWAIN COUNTY ISSUED BONDS TOTALLING $600,000 TO CONSTRUCT A ROAD FROM DEAL'S GAP TO BRYSON CITY. IN 1940 SWAIN COUNTY ASSUMED THE OUTSTANDING PRINCIPAL OF $456,000, TOGETHER WITH ACCRUED INTEREST OF $235,000. THIS ROAD, WHICH HAD BECOME NORTH CAROLINA HIGHWAY 288, WAS IN GREAT PART FLOODED UPON COMPLETION OF FONTANA DAM AND HAS BEEN COVERED BY THE WATERS OF FONTANA LAKE FOR FORTY YEARS. EVEN THOUGH MUCH OF HIGHWAY 288 WAS FLOODED AND THE REMAINDER WAS LEFT INACCESSIBLE, SWAIN COUNTY REMAINED LEGALLY OBLIGATED TO PAY OFF THE ROAD BONDS. TVA DID MAKE A PAYMENT OF $400,000 TO THE STATE ON SWAIN COUNTY'S BEHALF TO HELP REDUCE THE OUTSTANDING DEBT. HOWEVER, SWAIN COUNTY CONTINUED, DESPITE A SEVERELY LIMITED PROPERTY TAX BASE, TO MAKE PAYMENTS ON THE DEBT FOR THE FLOODED HIGHWAY. THE DEPARTMENT OF INTERIOR AND SWAIN COUNTY AGREED IN 1980 THAT THE 1940 VALUE OF HIGHWAY 288 WAS $1.7 MILLION.

SWAIN COUNTY MADE A FINAL PAYMENT IN THE AMOUNT OF $286,500 TO THE CHASE MANHATTAN BANK IN JULY OF 1975. THE COUNTY HAD CONTINUED TO MAKE PAYMENTS FOR OVER THIRTY(30) YEARS FOR A ROAD WHICH HAD BEEN UNDER THE WATERS OF FONTANA LAKE FOR OVER THIRTY (30) YEARS.

WILLIAM D. "BILL" LEWIS, SHERIFF
SWAIN COUNTY
P.O. BOX 1398, BRYSON CITY, N.C. 28713
704/488-2197

STATEMENT: WILLIAM D. LEWIS
PAGE 2

THE 1943 AGREEMENT PROVIDED FOR THE DEPARTMENT OF THE INTERIOR TO BUILD A ROAD ALONG THE NORTH SHORE OF FONTANA LAKE TO REPLACE THE FLOODED HIGHWAY 288. ONLY A SHORT SECTION OF THIS ROAD HAS BEEN COMPLETED IN FORTY-ONE (41) YEARS. SWAIN COUNTY HAS KEPT ITS PART OF THE 1943 AGREEMENT. THE UNITED STATES GOVERNEMENT HAS NOT.

THE PEOPLE OF SWAIN COUNTY HAVE SACRIFICED MUCH IN THIS MATTER. TAXPAYERS IN A VERY POOR COUNTY CONTINUED TO PAY FOR OVER THIRTY YEARS FOR A ROAD WHICH WAS UNDER A LAKE. SWAIN COUNTY PEOPLE PROUDLY DID THEIR PART IN THE WORLD WAR II WAR EFFORT. SWAIN COUNTY HAS DONE ITS PART OVER THE PAST FORTY-ONE (41) YEARS.

I CALL ON YOU TO HELP SEE THAT, AT LONG LAST, THE FEDERAL GOVERNMENT TAKES PROMPT AND REASONABLE ACTION TO SETTLE THIS ISSUE IN THE BEST POSSIBLE MANNER FOR THE PEOPLE OF SWAIN COUNTY.

I REQUEST THAT ANY LEGISLATION GIVEN A FAVORABLE REPORT BY THIS SUBCOMMITTEE CONTAIN GUARANTEED PROVISIONS FOR THE PROMPT PAYMENT OF $9.5 MILLION TO SWAIN COUNTY, AND THE FORGIVENESS OF THE FHA LOAN ON SWAIN COUNTY HIGH SCHOOL. IT IS TOTALLY UNACCEPTABLE, IN MY VIEW, FOR ANY LAND IN THE GREAT SMOKY MOUNTAINS NATIONAL PARK TO BE DESIGNATED AS WILDERNESS UNTIL AFTER THE FULL CASH PAYMENT AND LOAN FORGIVENESS TO SWAIN COUNTY HAS BEEN COMPLETELY FULFILLED.

I THANK YOU FOR YOUR EARNEST CONSIDERATION AND EFFORTS TO ASSIST SWAIN COUNTY IN THIS MATTER.

WILLIAM D. LEWIS

SHERIFF, SWAIN COUNTY, NORTH CAROLINA
MARCH 27, 1984

Senator **Wallop**. Thank you, Sheriff. That's an interesting point that you raise that some people continue to neglect in their assessment of this issue, the purchase of that archeological wonder. That's the only thing it's every going to be. Somebody, somewhere, in several thousands years is going to find an old road in the bottom of a lake bed, and it'll be marked "paid," but that's about the sum-total of the use that Swain County's got out of it.

I appreciate your testimony here. Thank you all for coming up here.

Next is a panel consisting of Dr. James Causby, superintendent of schools, Swain County; Gerald McKinney, a teacher in Swain County High School; and Chad Killebrew, Jennifer Gibson, Donald Guge, and Will O'Dell, who are students of Swain County High School.

Dr. Causby.

STATEMENT OF DR. JAMES F. CAUSBY, SUPERINTENDENT OF SCHOOLS, SWAIN COUNTY, NC

Dr. **Causby**. Thank you, Mr. Chairman.

I'm James Causby, superintendent of schools in Swain County.

The several different bills that have been offered to settle the longstanding North Shore Road controversy all have several features that are of extreme importance to Swain County and Swain County schools.

As superintendent of schools, these are the issues that I will address. There are several points of the bills that I will not address.

First of all, this entire situation has gone on much too long. Many things that need to be addressed in our county and our school system have been continually put off, with the reason being given that we will do that when the road issue is settled; 41 years have elapsed, and the issue is still not settled.

School facilities in Swain County are in bad repair, with many needing renovation or replacement. Funds to do this work were not available in Swain County due to the small tax base; a direct result of Federal ownership of property.

A bond issue for school facilities is not possible due to the present bonded indebtedness which was used to build Swain County High School. That bond indebtedness might not have been necessary if county funds had not have had to be used to make bond payments on county-built roads which are now covered by Fontana Lake.

The presence of an adequate tax base and the absence of bond payments over the past 41 years would have made a dramatic difference in the ability of Swain County to adequately finance school facilities.

These same factors have caused our county government to be unable to fund the education of our young people as fully as would be desired.

The funding for capital outlay, reduced class size, additional personnel to help individualized instruction, additional programs for exceptional children, as examples, has not been available and has, thus, left unmet needs for our students.

The settlement of this issue is vital to Swain County and the Swain County schools. Without it, our people simply cannot handle the extra taxation that will be necessary to meet the needs of our population.

The $9.5 million cash settlement to the county is most appropriate, as is the foregiveness of the Farmers Home Administration loan on Swain County High School. There seems to be a great deal of agreement that this action should occur.

There are other areas of the bills that have caused many emotional reactions, and caused our citizens to be divided.

I encourage this subcommittee to approach this problem with the realization that all these positions are valid, and that all should be addressed.

Surely, a solution can be reached that will provide for the optimum satisfaction of all concerned.

We must not allow our differences to destroy this settlement. The overall issue is too big and too important to Swain County, and especially to our young people, to allow settlement to be lost.

I ask this subcommittee to be the voice of reason in this situation.

Senator WALLOP. Thank you, Dr. Causby. We appreciate it. Mr. McKinney.

STATEMENT OF GERALD McKINNEY, TEACHER, SWAIN COUNTY HIGH SCHOOL, SWAIN COUNTY, NC

Mr. McKINNEY. Thank you, Mr. Chairman. If you will allow me, I'm basically here to introduce these students again. I had my comments in the field hearing.

I appreciate your opportunity for these students to again present some information for you to see.

The presentations they are now working on is a partial result of a research project that these students at Swain County High School have been working on. They have produced a slide tape show that they are competing with with other schools. This slide tape show is about the problems that have been encountered by people who were living in the area that is now covered by the lake, and by the the area in concern with this 44,000 acres.

In researching their topic, they have gained a deep understanding of the inside of the lives of the people who were removed from the region now the Great Smoky Mountains National Park.

Their report includes a factual look at the region north of Fontana Lake, and the impact of Federal lands on Swain County.

They have presented this material, or similar material at field hearings in Bryson City, and have appeared with Gov. Jim Hunt of North Carolina to commorate the 50th anniversary of the Great Smoky Mountains National Park.

They also have won a superior rating in competition with their oral history report.

The first to speak will be Ms. Jennifer Gibson, followed in order by Will O'Dell, Donald Guge, and Chad Killebrew.

Thank you.

Senator WALLOP. Thank you, Mr. McKinney.

STATEMENT OF JENNIFER GIBSON, STUDENT, SWAIN COUNTY HIGH SCHOOL

Ms. GIBSON. Mr. Chairman, the impact of federally owned lands in Swain County could not be made more obvious than to see it graphically displayed on a map of Swain County.

The area shown with black diagonal lines represents the original Great Smoky Mountains National Park formed 50 years ago.

Land taken from three townships in Swain County in 1943 through 1945, Charleston, Forney Creek, and Ocona Lufty, resulted in a net loss of $1,589,367.31.

Combined with the acreage purchases by the TVA in 1943 through 1945, which is 44,400 acres, shown here with red diagonal lines, the total acreage held by the park today within Swain County is 216,660 acres, or 65 percent. This includes the 2,300 acres purchased as late as 1983.

The TVA originally purchased over 68,000 acres of land in Swain County for the Fontana Dam project. All but 44,400 acres were flooded for the project. These acres were transferred to the National Park Service in the 1943 agreement. The TVA now holds 7,400 acres, or 2 percent of Swain County land.

Shown with cross-diagonal lines on the map is the land from Swain County, 29,400 acres, taken to make up part of the Cherokee Indian Reservation formed in 1835 by the Qualla Indian boundary, and established a trust held by the United States for the Eastern Band of the Cherokees. This represents 9 percent of Swain County acreage.

I have not shown the 21,200 acres of land in Swain County that the U.S. Forest Service has acquired over several decades, equaling 6 percent. These are scattered over the remaining unmarked portion of the county. Another 700 acres, or 0.2 percent of the county is covered by the Blue Ridge Parkway.

With the portions composing the Great Smoky Mountains National Park, the Cherokee Indian Reservation, Nantahala National Forest, the Tennessee Valley Authority, and the Blue Ridge Parkway, the federally owned land in Swain County total over 82 percent of the 339,200 acres making up combined area. Only 63,900 acres, or approximately 18 percent, remain as privately owned land in Swain County.

Since Swain County was created, in 1871, and people had begun to settle our county many years before, you might wonder what happened to the people who were displaced when more than 83 percent of the land was acquired by the Federal Government.

With the formation of the Great Smoky Mountains National Park, the population dropped 12.5 percent. The Fontana TVA project moved 600 families from the land that it purchased, and the drop in population was 18.5 percent.

Few families relocated in Swain County; but, as you can see, most simply left, leaving such ghost communities in towns as Proctor, Bushnell, and Almond. Still other creek communities, as Bone Valley, Pilkeys Creek, Chambers Creek, Noland Creek, and Eagle Creek were left deserted. These people left their homes and loved ones, too.

Forty cemeteries, containing 2,043 graves, were affected by the Fontana project alone. Still remaining are 27 cemeteries.

As I have shown, the impact of federally owned land in our county is great. Thank you.

Senator **Wallop**. Thank you, Ms. Gibson.

Mr. O'Dell.

STATEMENT OF WILL O'DELL, STUDENT, SWAIN COUNTY HIGH SCHOOL

Mr. **O'Dell**. Mr. Chairman, when the Great Smoky Mountains National Park was formed, it was done so by the effort of many residents of Swain County.

Many of the people of our county donated land and money for the purchase of the land that the park now owns in Swain County.

There were people, such as A.M. Frye, who gave $500; Dr. A.M. Bennett, $200; Thurman Leatherwood, $100; Andrew DeHart, $100; L.J. Moody, $100; D.T. Crisp and Horace Kephart, $50; Miss Lois Frye, $50; E.T. Moody, $25, and J.D. Rockefeller, who donated $5 million in memory of his mother.

Our businesses and towns also donated money. S&M Realty gave $1,250 in land; Bryson City Bank, $1,000; Norwood Lumber, $1,000; R.L. Snellson Co., $500; Bryson City Telephone Co., $500; Citizens Bank, $500; Bryson City Drug, $250; the Elmore Furniture Co., $100; Floyd Motor Co., $100;, and the Western North Carolina Poster Co., $100. The Swain County Commissioners gave $5,000; the Bryson City Aldermen, $1,000; the Swain County Chamber of Commerce, $500; J.E. Coburn, $1,000 in land and $500 in cash; and Bryson City Estates gave $2,000 in land.

Many of our schools also donated to this cause. Many of the schools were greatly affected by the formation of the park; schools like Bushnell, who gave $500; Judson, $2; Almond, $5.42; Smokemont, $5.50; Proctor, $2.25; and Forney $2.

Three schools did not support the formation of the park fully. These three were Conley's Creek, Ravenford, and Hewitts.

The support for the building of Fontana Dam was not in comparison to that of the park. Many of the people of our county basically refused to give up their land.

The Government, by way of the law of eminent domain, moved the people who did not leave on their own free will off the land.

Many of our people that were forced to leave feel that the many benefits of Fontana Lake cannot make up for the pain they experienced from leaving their homes.

Thank you.

Senator **Wallop**. Thank you, Mr. O'Dell.

Mr. Guge.

STATEMENT OF DONALD GUGE, STUDENT, SWAIN COUNTY HIGH SCHOOL

Mr. **Guge**. Mr. Chairman, much of the park, as we know today, was donated or sold to the park by private landowners and major lumber companies.

Approximately 85 percent of this land was owned by various lumber companies. These companies began exploiting the use of the land, and, due to the park taking over, much of the virgin forests were saved.

One of the major lumber companies was the W.M. Ritter Lumber Co. The Ritter Co. bought land on Hazel Creek and other surrounding areas, which is all now part of the park.

Another company, the Champion Fiber Co., was probably the largest and oldest of all the companies. This company bought and owned about 92,000 acres, which is now about one-fifth of the present national park.

The land this company owned includes such areas as the North Carolina side of Clingman's Dome, Deep Creek, and along the crest of the Great Smokies, which is all now part of the park.

Due to these companies which I have named, and others, the land and forests were scarred severely enough to leave an everlasting reminder to all who care.

One of the ways in which the land was destroyed was just by the cutting of the timber which, at the time, was a massive operation.

Another way was by the transporting of the timber once it had been cut. An example of this was by the rolling of the logs downhills to major water sources. And by doing this, many young trees were destroyed, and large tracts of barren strips were left.

Some of the other land tracts were owned by private landowners, such as J.E. Coburn and W.T. Mason. These were not large tracts, but the park and Federal Government saw fit to pursue acquisition of these tracts for inclusion in the park.

In closing, I would like to state that if it had not been for the park and Federal Government, all of this land could have been a barren area which would have been an embarrassment for all involved.

Senator WALLOP. Thank you, Mr. Guge.

Mr. Killebrew.

STATEMENT OF CHAD KILLEBREW, STUDENT, SWAIN COUNTY HIGH SCHOOL

Mr. KILLEBREW. Mr. Chairman, as you can see, Swain County has given much to create this national park. From the first removal in 1928 until last year, when the 2,300 acres were added to the park, this county has given up much land.

This was especially true in 1943, when the 68,000 acres of land were bought by the TVA to build Fontana Dam.

Many people were affected by this purchase. Their belongings and families had to be moved. Digging up one's roots is never easy, and many were bitter about moving.

These people made a sacrifice of themselves for the many others who, through the years, have enjoyed the beauty of the Smokies and of the lake.

With the change of address came another loss, that of security. Lands which had been familiar to generations were suddenly under water, or isolated in the park. A new sense of safety had to be redeveloped as the people relocated.

Most importantly, the people gave up their home places. Roots had to be pulled up and replanted elsewhere. Everyday events became fond memories of the past home, and new memories had to be formed.

Let us never forget these people who gave much of themselves to create this park. Indeed, the roots of the park can be traced to many Swain Countians.

Much of the greatness of the Great Smokies, and perhaps of America itself, can be seen in the sacrifices these people made to benefit others.

Because of these sacrifices, today we have this beautiful park. From one end of the county to the other, the Great Smokies border the rest of the county, acting as a giant guardian.

The Smokies help the county in other ways, too. Thousands of tourists come each year to view the beauty of these mountains and to enjoy many activities. These include hiking, fishing, horseback riding, and, perhaps the favorite, camping, at such places as Smokemont and Deep Creek.

Fontana Lake offers peaceful rest as well as many recreational activities, including fishing, water skiing, and boating. The dam supplies power to households in both North Carolina and Tennessee.

As we celebrate the 50th anniversary of the Great Smoky Mountains National Park, let us find an answer to this question before us. This issue has not gone unsolved for 41 years. It is a very complex situation, yet those who have been directly affected, as well as all those who live in Swain County, deserve a settlement to this problem promptly.

It is our sincere hope that a suitable agreement may be found. Thank you.

Senator WALLOP. Thank you very much, Mr. Killebrew. Thank you all. I compliment you for your sufficient belief in the Government to come and be heard in it. Mr. McKinney, I salute you for doing this in the class.

The next panel is Mr. Donald Rose of the Eastern Band of Cherokee Indians, Cherokee, NC; Helen Vance, Sylva, NC; Russell Mclean, Waynesville, NC; Barbara Pilkington, Waynesville, NC; Lee Woods, Waynesville, NC; Stanley Hall, Marion, NC; Carolyn Kirkland, Brasstown, NC.

Mr. Rose, you may begin.

STATEMENT OF DONALD E. ROSE, EASTERN BAND OF CHEROKEE INDIANS, CHEROKEE, NC

Mr. ROSE. Mr. Chairman, I'm an enrolled member of the Eastern Band of Cherokee Indians. I own a home on the reservation. I own property that joins a common boundary with the Great Smoky Mountains National Park.

I'm here speaking in my own behalf and in behalf of the Cherokee Indians who were unable to attend and ask that I speak for them.

We, as a tribe, are concerned that our voice is not being heard in this issue. As a matter of fact, we, as a people, are getting ignored, to a large extent.

The proof of that allegation, I think, is demonstrated by Senator Sasser's statement when he quoted President Roosevelt that there are trees now living in the Great Smoky Mountains National Park that were there when our ancestors first came there.

I challenge Mr. Sasser to show me a tree now living that was living when my ancestors first came here.

We are pleased that you also, when you visited the area, recognized the reforestation projects that are taking place. If you had had time to go fishing, you would have found that you could catch a nice string of edible food fish. And if you had done that 40 years ago, you not only wouldn't have caught food fish, you probably couldn't have eaten them because of the industrial waste that was in the water.

We maintain a very stringent lumber or timber harvesting program to ensure that our forests are maintained.

So we, as a people, both on the reservation and off the reservation, are not destroyers of the wilderness. As a matter of fact, we demonstrate that we're protectors of it.

We oppose the establishment of a wilderness area. However, when we listen to our elected representatives, and the Governors, we recognize that the weight of their testimony probably is going to result in an enactment of such a bill. And if such a bill is, in fact, enacted, we could, and would support the bill introduced by Mr. Helms, provided that the bill were amended to include four changes.

I would like to read those.

No. 1. A specific statement that free access to the reservation by Highway 441 would be continued as in the past. Now, 441 transits the park, and it is a primary corridor for tourists.

No. 2. Foraging within the wilderness areas by members of the tribe for purposes of gathering wild, edible plants and herbs for noncommercial use, will be permitted to continue as in the past.

No. 3. The 44,170 acre tract north of and adjacent to the Fontana Lake will not be made a part of the wilderness area. We feel very strongly that that would unduly restrict it and that it would result in litigations that would forever drag the thing out to the point that we would never know, really, what was going to happen to it.

No. 4. The language of section 3(b) of Senator Helms' bill that addresses boundary or buffer areas be changed to explicitly state that land external to the boundary of wilderness will not, at the time of enactment of the bill or at any time in the future, be restricted in its use by designation of a boundary or buffer zone around the wilderness area.

Thank you, sir.

[The prepared statement of Mr. Rose follows:]

TESTIMONY
OF
DONALD E. ROSE
OF THE
EASTERN BAND OF CHEROKEE INDIANS

Mr. Chariman, my name is Donald E. Rose. I am an enrolled member of the Eastern Band of Cherokee Indians. I own property on the Reservation that shares a common boundary with the Great Smoky Mountain National Park. I am grateful for the opportunity to appear before this committee to present my views and concerns, and the views and concerns of other members of the Tribe, who are unable to appear personally and have asked that I speak for them.

We, the Cherokees, are deeply concerned with the preservation of the natural order of things, especially the Great Smoky Mountain National Park. After all, it used to belong to us. Although we no longer own the land, it constitutes a large part of our ancestral homeland and we hold it in high regard.

The fact that we, as a people, hold the preservation of the wilderness in high regard is demonstrated by our actions on the Reservation. New forests now occupy most of the "hillside farm sites" of years past. As a result of our Fish Management program, streams that 30 years ago were populated by rough fish now abound with trout. We maintain a stringent timber-harvesting program to ensure that our forests are sustained and allowed to flourish. We are not sportsmen in the sense that we hunt for trophies; we are hunters who use what we kill to sustain ourselves. We are foragers who take what nature has provided in the form of edible plants, fruits, and berries. We are not destroyers of the land, the streams, or the wildlife.

You might think, therefore, that we would be solidly behind a bill to designate the Great Smoky Mountain National Park as a wilderness area. In fact, we are not. We strongly oppose S.1947, the "so-called" Sasser-Baker bill, for the following reasons:

1. We believe that incorporating the 44,170-acre tract north of and adjacent to Fontana Lake would unduly restrict access to, and use of, that body of water which is a major source of fish and recreation for members of the Tribe, as well as our neighbors in the surrounding counties;

2. The Bill does not guarantee continued free access to the Reservation by tourists using Highway 441 which transits the Park. Restricting the use of that highway could and would have disastrous effect upon our single industry, tourism;

3. The Bill does not assure the right of the Indian to continue and maintain our traditional and historical practice of foraging in the Park for edible plants and medicinal herbs;

4. The Bill does not state explicitly that action will not be taken by the Government of the United States to in any way restrict the use of Tribal lands in the interest of maintaining, enhancing, or expanding the wilderness area.

We could and would support S.2183, the Bill introduced by Mr. Helms, if the following amendments were incorporated into the Bill:

1. A specific statement that free access to the Reservation via Highway 441 would be continued as in the past;

2. Foraging within the wilderness areas by members of the Tribe, for the purpose of gathering wild, edible plants and herbs for non-commercial use, will be permitted to continue, as in the past;

3. The 44,170-acre tract north of and adjacent to the Fontana Lake will not be made a part of the wilderness area;

4. The language of Section 3.(b) that addresses boundary (or buffer) areas be changed to explicitly state that land external to the boundary of the wilderness area will not, at the time of enactment, or at any future time, be restricted in its use by designation of a boundary or buffer zone around the wilderness area.

The National Park Service has, for many years, coveted our Reservation as a desirable and natural extension of the Great Smoky Mountain National Park. Without specific language that prohibits imposing restrictions on our lands, subsequent to passage of the proposed bills, we fear the National Park Service will attempt to establish buffer (or boundary) zones external to the wilderness area. We have studied the impact of such zones in other areas. They characteristically prohibit cutting of fire wood (except for dead and down trees), prohibit construction of new structure or expansion of existing ones, restrict the use of machinery, inhibit farming and foraging, and otherwise adversely impact the ability of the owner to use his or her property in a free and unrestricted manner. We want no such restrictions imposed upon us now or at any time in the future.

Mr. Chairman, it may appear that we are somewhat paranoid in our concern and obvious suspicion of the potential impact of the wilderness bill upon Indian land. However, our paranoia springs from a long history of painful experiences. We understand that establishment of the wilderness area is proposed out of a sense of responsibility to future generations; that most people will feel that a small band of individuals should not get in the way of such a lofty goal. I remind you that Andrew Jackson had similar thoughts when he ordered the removal of the Cherokees to the West. Thus, our genuine concern for the potential impact of enactment of either of the Bills, as they now stand, upon our Tribal lands should be easily understood.

Mr. Chairman, I sincerely thank you and the committee for the opportunity to have expressed my views, and the views of the majority of the Cherokee people.

Senator **Wallop**. Thank you very much, Mr. Rose.

Are there tribal historical or traditional places within that 44,000 acres?

Mr. **Rose**. Throughout the entire park area there are such areas. However, we long ago gave up any right to those. We hope that they're respected, and we hope that we have the right to visit them.

Any of our ancestorial areas, where our ancestors were buried under water when the dam was formed, is not, in truth, a primary concern of ours. Our primary concern comes from a long history of bad relationships with the Government in terms of negotiating, as history bears out. And we are genuinely concerned that if this wilderness area is established that, at some point in the future, the National Park Service, which has long coveted the reservation as a natural extension to the park, will decide that a buffer zone is necessary. And we want that language specifically in the bill to prohibit such a buffer zone, if, in fact, a wilderness area is established.

Senator **Wallop**. Thank you very much.

Ms. **Vance**.

STATEMENT OF HELEN C. VANCE, CHAIRWOMAN, NORTH SHORE CEMETERY ASSOCIATION

Ms. **Vance**. Chairman Wallop, I, Helen Vance, representing the North Shore Cemetery Association, and many residents of western North Carolina, wish to express our appreciation to you and your staff, and Senator Helms and his staff for the subcommittee hearing in Bryson City, NC, and giving so many of our people a chance to give their testimony.

We are so grateful that after 42 years someone cares and will listen to us.

We have several people here from western North Carolina today by having bake sales and donations, we chartered a Cherokee Boy's Club bus to be represented today.

Since our people gave their testimonies at that hearing, many will not speak today. But with your approval, I would like for them to stand for recognition as a group.

Senator **Wallop**. Certainly.

[People stand.]

Ms. **Vance**. We support the Helms bill S. 2183. It is the fairest to all the people involved, and, certainly to the environmentalists, as well as to the residents that lived there and gave up their land.

We dearly love this land, because it was our home also. We think there are human values that also should be considered, as well as the plant life and animal life.

Our families would not sign for the graves to be removed or to stay until there was a definite promise that we would have access by road from TVA representatives. Letters were also sent to the people saying that there would be a road built after the war. We do have burial rights in most of these cemeteries.

Why should North Carolina residents be considered different from Tennessee residents? That answer is because we definitely had a promise, we had an agreement, we have burial rights, ingress and egress, and we think that someone should see that these are carried out somewhere along the government line. We believe that somewhere, surely a Governor or Senator—like our Senator Helms, whom we're so proud of because he is hearing us, and Senator Wallop, you for listening. Finally, somebody is hearing and listening to us.

So we crossed Fontana at our own expense from 1943, 1944 until 1980. The park started paying our way across the lake in 1980–83. For 4 years they have paid our way across the lake. Those other years we paid our way.

They started providing vehicles across Fontana Lake in 1979. And you will find out what type of vehicles later. I'm not going to go into all that at this time. But in 1979, they started providing vehicles across Fontana Lake.

Otherwise, if there was a jeep over there during the earlier years when the park had it, they would take people up there. But this organized trip, they have never taken us on. So this is how long they have been taking us.

TVA bought our land with a definite promise that a road would be built. We checked with the National Forest Service representative—and I won't quote to you. There was another article in the Asheville Citizens Times that gave figures, and will bear this out also. But we talked to the National Forest Service representative, Bill Rhodes, and he said that they could build a road for $40,000 per mile; 25 miles is what we're asking for. So figure that up. And I think it can be done for a million dollars. Thank you, sir.

[The prepared statement of Ms. Vance follows:]

Statement by Helen C. Vance before the Public Lands and Reserved Water Sub-Committee of the Senate Energy and National Resource Committee on March 27, 1984, Washington,D. C.

Honorable Senator Malcolm Wallop, Chairman
Honorable Senator Jesse Helms

My name is Helen C. Vance. I am a former resident of Swain County and Chairman of the North Shore Cemetery Association.

I was born on November 28, 1926 at Proctor,N.C. My great-great grandfather settled at Proctor in 1832. For the next 112 years my family (the Cables) lived on this same farm. Our cemetery holds the graves of my brother, grandmother, grandfather, two sets of great grandparents and great great grandparents. I have several aunts, uncles, great aunts, great uncles and cousins buried there. There are 160 graves at this cemetery and the majority are related to me. There are so many people from the Proctor Area who can say the same thing concerning this cemetery and other cemeteries. We hope you can understand why we are so hurt because of broken promises. We can forgive the meager sum paid for our land and homes but to renege on access to our cemeteries leaves us very bitter.

At the beginning of World War II, a bill was swiftly passed to build Fontana Dam in Swain County,N.C. In January, 1942 T.V.A. representatives were on the scene. By March, 1942 the work really began to move at a very fast pace. Our families wanted to keep their land above the high water mark. Six or eight families did go to court but the effort was in vain. The cemeteries below the high water mark were moved to a new location. The majority of families did not want the graves of their loved ones disturbed that were in the cemeteries above the high water marks. There were only 85 graves reinterred from these cemeteries. There was some controversy because so many families refused to sign any papers concerning the remaining graves. They did not want them moved and neither would they agree to leave them until there was a definite promise that a road would be built so they could return to the grave sites. We also have burial rights in several of these cemeteries. A T. V.A. representative visited the homes bearing the message that a road would be built after the war. Then our families agreed to leave the graves in these cemeteries, believing they would be able to return in just a few years. Form letters from the T.V.A were sent to families stating the road would be built after the war and therefore we could have access.

There were about 20 families still living at Proctor-Hazel Creek Area in 1944. There were army engineers in the area in December, 1943. The headlines in the Bryson City Times on December 9, 1943 read Army to build running line for a rough pioneer type road. There are several articles in this paper during 1943 pertaining to the road. When we moved in 1944 it was with a definite promise that we could return by road. We have ingress and egress rights in the transfer from T.V.A to the Dept. of Interior. Our parents believed your word was your bond, believed in God and their government. They never dreamed that their government would not be true to its word. During the 50;s, the 60's, 70's and the beginning of the 80's there was always hope that the agreement would be honored.

We have 23 cemeteries that cannot be visited unless you walk several miles or cross Fontana Lake. Sometimes we travel from four to ten miles on the water to visit these cemeteries. There are three cemeteries with one or two graves and twenty cemeteries with five to one hundred eighty graves. There were six cemeteries that we could not visit without walking several miles or traveling on the lake until the "road to nowhere" was built. Now we can visit these by car, three near the road and three up Noland Creek.

We have several veterans buried in these cemeteries (Civil War Veterans and WW I veterans). Our familes were sending their young men to WW II at the very time we were receiving promises that we would be able to return to our cemeteries by road after the war.

My great-great-great grandfather fought in the American Revolutionary War, my father fought in WW I and my two brothers volunteered for the Navy in WW II.

Money has been appropriated for the construction of this road over the years. I was standing by father in our front yard when the representative from T.V.A. came with the message " there will be a road built and you can come back to your cemeteries." My father had been so upset about moving from the land that had been in the family since 1832. Then knowing that he could leave the graves of his young son, mother, father, grandparents and sister meant everything to him. I'll never forget how happy he was at receiving the news.

My parents were able to visit the cemeteries two or three times. Many other families were never able to return. There are several of the older generation that will not go because they have a fear of water. We hope and pray that these 44,000 acres will never be included in wilderness. We know that wilderness means no motorized vehicles and no roads. We firmly believe in the future this area will be closed to our visits. Maybe not right now but what about 10 years from now? We feel our only assurance is to keep this out of wilderness. There are more than 30 cemeteries on this 44,000 acres. We are also concerned about the land joining the wilderness area and of great concern to all is Fontana Lake. How will this affect the use of the lake in the future if this goes into wilderness?

Why can't a small portion (this 44,000 acres and the area near Cherokee) be reserved for use by everyone, including the people who gave so much (their homes, schools, churches.) Why should only back country hikers be allowed to use this great area? Those trails that the hikers use were made by our families. Our relatives lived in Cades Cove, Tenn. and they walked from there to Proctor many many times. Our families would leave Proctor and walk up Jenkins Ridge, by Russell Field and into Cades Cove, Tenn. I also walked this when I was 12 years old. What a great experience. So you see we love this Great Smoky Mountains National Park as much as anyone if not more than the average person.

We don't believe that a small gravel logging road would be damaging to this land and surely that isn't asking for very much after all the promises that were made to us.

The first time we visited Bone Valley Cemetery and Hall Cemetery in 1978 as an organized group we had a National Park Service wagon pulled by two mules, two or three people on horseback and three motorcycles. We had over 150 people near the lake at Proctor. The wagon could only haul 8 to 10 people. There were about 75 who walked the six miles to Bone Valley Cemetery and about 25 to 30 who walked the 9 miles to Hall Cemetery. That was 18 miles. Mrs. Laney walked all the way to Bone Valley and back to the lake (12 miles). She was 72 years. That is how much people wish to go back to the graves of their loved ones. From 1944 to 1980 we have crossed the lake at our expense. We either hired a boat or brought one with us. We have had people bring boats from Winston Salem,N.C., Lenior,N.C., Waynesville,N.C., Knoxville, Tenn., and Maryville, Tenn. to help git our people across the lake. Sometimes there would be 150 to 175 people and 6 boats. The Park Service has provided 4 wheel drive jeeps, wagons, dump trucks and other means of transportation since May of 1980. We are thankful for this help. But sincerely hope that access by a small graveled road can be forthcoming.

See attached sheets.

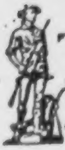
Sincerely yours,

Helen C. Vance

TENNESSEE VALLEY AUTHORITY

DAVID E. LILIENTHAL
CHAIRMAN
HARCOURT A. MORGAN
DIRECTOR
JAMES P. POPE
DIRECTOR

Maps and Surveys Division
Grave Removal Section
Bryson City, North Carolina



July 31, 1943

Mr. L. B. Cook
Marion,
North Carolina

Dear Mr. Cook:

The construction of Fontana Dam necessitates the flooding of the road leading to the Proctor Cemetery located in Swain County, North Carolina, and to reach this cemetery in the future will be necessary to walk a considerable distance until a road is constructed in the vicinity of the cemetery, which is proposed to be completed after the war has ended. We are informed that you are the nearest surviving relative of a deceased who is buried in this cemetery.

We have interviewed various relatives of the deceased who are buried in this cemetery and they have requested that the graves of their relatives remain undisturbed. We are enclosing a remain agreement for the grave of your relative and if it is your desire that this grave be left undisturbed, please sign, filling in where possible the items checked in red and return in the enclosed franked envelope, postage not required. If it is your desire that the grave of your relative be moved to some neighboring cemetery which is accessible by road, please write us and we will immediately send you the proper papers to sign and the Tennessee Valley Authority will move this grave without cost to you and reinter it in any cemetery of your choice located in Swain County, provided we can secure permission to bury in that cemetery.

Your immediate attention to this matter will be appreciated and if there is any additional information you desire concerning the above stated matter, please let us know.

Very truly yours,
TENNESSEE VALLEY AUTHORITY

H. H. Turner
H. H. Turner-Supv.
Grave Removal Section
M. L. B.

HHT:CM
Enc.

Agreement of Transfer
between
T.V.A.
&
U.S. Dept of Interior
N.P.S.
Relating to land in Swain Co, NC,

NORTH SHORE CEMETERY ASSN.
HELEN C. VANCE
RT. 3, BOX 299
SYLVA, NC 28779

21
burial
rights

(f) To such burial rights and rights of ingress and egress in connection therewith as may be outstanding in third parties in TVA land tracts Nos. FR-494, 712, 1018, 1019, 1020, 1026, 1061, 1135, 1175, 1178, 1185, 1202, 1206, 1210, 1216, 1222, 1245, 1276, 1279, 1281, and 1282.

Fuller Fuller Cooper Noland Welch Hall Mill Branch Mitchell Pilkey Cooper Bradshaw Higdon

(g) To such rights as may be vested in the State of North Carolina and the public to rights of way for public roads, affecting TVA land tracts Nos. FR-17, 18, 25, 27, 28, 29, 80, 82, 87, 96, 101, 103, 381, 443, 445, 446, 452, 454, 456, 463, 465, 466, 467, 468, 470, 471, 478, 480, 494, 495, 496, 497, 506, 510, 515, 516, 517, 518, 547, 550, 556, 563, 564, 672, 711, 712, 713, 714, 721, 722, 723, 727, 728, 729, 730, 731, 750, 751, 894, 900, 901, 913, 1085, 1086, 1087, 1090, 1092, 1093, 1095, 1160, 1223, 1255, 1265, 1266, and 1293, all of which rights of way are now in the process of acquisition by TVA in the name of the United States. (FR-1018 4365A) (1279)

(h) To such rights as may be vested in third parties to telephone and transmission line rights of way affecting TVA land tract No. FR-1283.

(i) To such water rights as may be outstanding in D. G. Fisher or his successors in title in TVA land tract No. FR-138 by virtue of his deed dated October 25, 1907, recorded in Deed Book 31, page 448, in the Register's office of Swain County, North Carolina.

(j) To the undivided 56/440 interests each of Wallace O. Westfeldt and Jane Westfeldt Smith in tract FR-1360, which interests are in the process of acquisition by TVA in the name of the United States.

(k) To such rights as may be vested in third parties to minerals and mining rights in the TVA land tracts Nos. FR-29, 100, 106, 127, [illegible]

P-14 – Contract discussion
P-30 – authority to make [illegible] decision on road

The initial meeting of the Study Committee for the 1943 Agreement, as established by Secretary of the Interior Cecil D. Andrus, was held on January 16, 1979, at the Federal Building, Waynesville, North Carolina, beginning at 10 a.m., Chairman David F. Felmet presided.

ATTENDANCE: The following members of the committee were present:

David F. Felmet, Chairman; David G. Wright, Neal Guse, H. Jake Hyatt, William G. Davis, James P. Myers, Wayne McDevitt, John Cope.

The absence of Russell McLean was explained.

Also present were:

Tom L. Mallonee; Jim Ryan; LeRoy Fox and Ray Payne of Knoxville, Tennessee, and Jack Davis of Asheville.

Representing the press:

Don Hatcher, WFBC-TV; Sid Williams, WTVD, Durham; Lyle West, WLOS-TV, and Mike Clark, the Waynesville Mountaineer.

The meeting was called to order by Chairman Felmet, after which committee members and guests were introduced.

Mr. Felmet gave a synopsis of the Agreement of October 8, 1943; the Alternate Proposal for a Transmountain Road of December 6, 1965; and the Ten-Point Proposal that was presented to Swain County on July 5, 1975. He requested that members read and familiarize themselves with these documents.

Felmet: Concerning the 1943 Agreement to build a road along the north shore of Fontana Lake from Bryson City to Fontana, the Tennessee Valley Authority purchased 44,000 acres of land which was part of Swain County. The purchase of that land and the building of Fontana Lake flooded a highway in Swain County—288—which was built and bonded indebtedness for the payment thereof under Swain County's road program. As I understand it, those bonds probably later consolidated into a total bond program, which bonded indebtedness Swain County later paid off. At the time this agreement was reached in 1943, there was no south shore road. This was a proposal to build from Fontana Dam to Bryson City north shore road. There were certain considerations given in that in addition to the agreement to let the Tennessee Valley Authority buy. There may have been a few small condemnations of land in that area, but most of it was an agreeable purchase by the Tennessee Valley Authority which was later transferred to the Park Service under this agreement. In addition to taking the land from Swain County, I believe $400,000 was put in trust to be spent by Swain County as a loss of the tax base and the road. If my interpretation is correct, that is right. Of course, the road was promised and it strictly says so in the agreement, and I think one of the issues of concern has been the failure of the Park Service to go

Myers: It was paid directly to the State of North Carolina.

Felmet: Yes, the money was--and was to be held in trust for Swain County by the State of North Carolina according to this.

Davis: Dave, the Extension Service carried out this thing and I believe the money was used--a portion of it, at least--to find places to move these families to.

Myers: Dave, I believe that you will find that the State of North Carolina also put $100,000 into this somewhere along the way themselves.

Felmet: Yes, there is a reference to that in the 1943 Agreement as well, you know.

In Section 8 in your Transportation Concepts, ". . . in the settlement of the problems incident or related thereto, shall pay to the Authority the sum of one hundred thousand dollars ($100,000), such payment to be made for the purposes of and pursuant to the authority contained in SB 198 enacted at the 1943 session of the North Carolina Legislature and approved March 5, 1943." Now what SB 198 is, somebody will have to do some research on that. I don't know what that covers.

Myers: I don't think we can ever reach any conclusion until the National Park Service and the Department of the Interior says what can be done in the National Park.

Felmet: Then, in discussion of Procedures for Solution, that should be Item 1. Is that the way you feel about it, gentlemen? The position of the National Park Service on the Ten-Point Proposal, or the extension of the Blue Ridge Parkway.

Myers: Or the Transmountain Road, or the 1943 Agreement.

Felmet: Any road in the Great Smoky Mountains National Park that concerns Swain County.

Myers: We have one group of people, in particular, that I think we have to take in consideration. Those are the people who are natives of that area. I am one of them, I was born and raised in Fontana, and a lot of those people have people buried in cemeteries there. There is going to have to be some agreement to take care of those people--some means of transportation into those cemeteries if they want to go. I have here in my file a copy of a statement made in 1962 which is a policy of the National Park Service--was then and has been in the past--that all of these people would have ingress and egress to those cemeteries. The National Park Service would keep up the cemeteries that they took control of; the individuals would take care of the cemeteries where they still controlled it and owned the property. Their families could be buried in

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those cemeteries; those controlled by the Park Service would have to have approval of the Park Service; those in the private cemeteries--they could be buried in those cemeteries so long as there was land available, and that the roads would be kept in such a shape that people could travel them to get into the cemeteries.

Felmet: I think that generally when that has been discussed in meetings of the North Carolina Park, Parkway and Forests Development Council, that has not been refuted, denied, or in any way abrogated as far as agreement is concerned, but in carrying out that situation, I think it has been. I think I could say with Jim Mayers that that is true. I told Boyd (Evison) that I thought it was real sad day when the cemetery group was going across to Hazel Creek and the barge was sitting over there. It could have been hidden in some brush or something and not be visible to the people when they went across the lake on that Sunday. I thought that was a tactical error, and I told Boyd so. I would have taken it down the lake somewhere. It would not have been visible if . had denied them the right to use it.

Jim, do you think that as far as cemeteries are concerned that access could be interpreted to mean water as well as road access?

Myers: I can't speak for them. If I were in their position, I would be very unhappy if I wanted to go visit the cemeteries where my folks were buried and I couldn't get there. If the Park Service would not provide me with some means of transportation to get there. I would also be terribly unhappy if there were a road to that cemetery and the Park Service put a boulder across the road so that I couldn't drive to it. And that happened.

Felmet: We all know that boulders were over several roads in the park and I think some casual mention has been made to the new park Superintendent that those boulders were offensive to the eye and that sort of thing, and I don't know whether anything can be done about it or not.

But the management roads were specifically left out of the wilderness proposal, but they have been managed as wilderness for the past several years as we all know.

Davis: Well, their means of transporting or helping the people get to the cemeteries, even if they took them on the water could be relegated down to the ridiculous point when you start trying to haul people up there on a mule and a wagon. There is no question but that they should provide some means for people to get down there to those cemeteries.

Felmet: I wonder what that wagon cost the taxpayers of this country? I'll bet you they could have a gold-plated Cadillac over there and haul them up to the cemeteries on a cheaper vehicle than that wagon.

Probably, one of the considerations that the new Superintendent of the park will have to dwell on will have to be access to those cemeteries, which historically has been one of the open access to the people who have relatives buried there. Now let's be frank with each other about it. There hasn't been very much said about it until the last year or so. It was in the guise of a north shore road committee--I'm saying this in an interpretation as I see the situation, having been along with Secretary Andrus when the group came over there with signs which said "Great Smoky Mountains National Park, not Evison's Cathedral" was one very prominent one that day. Of course, I nudged Boyd immediately on the bus and said, "You see in what high esteem you are held along this road," and he laughed about it. But the fact remains that I believe that those people are entitled to some support in their effort to visito those cemeteries. Now if the Park Service in its wisdom figured that Memorial Day and Labor Day and picked out two or three times a year when they would provide transportation and see that those people were taken to the cemeteries that they would set up some sort of procedure about cleaning those cemeteries--not let them grow up. I have been to that one at Proctor and it's in pretty bad shape. I believe that if the Park Service would adopt some sort of reasonable approach those people could have--and not ban putting plastic flowers on graves.

Myers: That is in this statement that I have right here. You could do anything in the cemetery that you wanted to do in it.

Felmet: I think it would be sensible and reasonable on the Park Service to go there once a year and clean up the plastic flowers that have faded, blown over, etc. Most of us mountain folks just recently learned what biodegradable meant. We didn't know about it for many, many years and when we had a coffee can or a lard budket that would hold flowers and we wanted to put it on our loved ones' graves we did exactly that.

Myers: My dad ran a general merchandise store at Fontana. A month before Decoration Day, the big sale was crepe paper for people to make their flowers to take to the cemetery--and they still do it in Swain County. They use artificial flowers, and not only the people who live down there, they do it in every cemetery.

Felmet: Well, you know that wasn't a final order from the Park Service that they not be used in every cemetery, but it was a wild request that they not be used and it was simply rubbing salt in the wounds of a lot of people who had a keen interest in the cemeteries, even if they were developed just lately, and I certainly think that it is absolutely a moral obligation of the Park Service to do and continue to make those cemeteries open and available to the people who have their families buried there.

The interest has not developed recently – Just an organized effort has developed recently read (12)

Hyatt: A couple of generations from now probably there will be very few people going down there.

Felmet: As the years move on, I would expect that to decline because after a while the people won't know who is buried there, but we are too close to the scene at this moment to ignore those people with that request and I think it's part of the problem that we have now because of an attitude of disregard of those people who wanted to go to the cemeteries.

__________: One of the cemetery spokesman approached me in terms of maybe the Park Service could fence the cemeteries with hardware so that the wild hogs could not get in there and root up and turn things over.

Felmet: Well, we have traditionally fenced a lot of cemeteries, even in Washington, and New York, etc., so that might be offensive to some people, but I think to the people who have families buried there that any effort to keep them in reasonable attractive condition certainly couldn't be opposed on any grounds by a majority of people of the country.

Myers: Davi, I don't want to be a pessimist and I don't want to be anti-National Park Service or anything like that, but in reviewing this in every agreement that's come up or in every proposal--the State has always gone ahead and fulfilled their part of the agreement and the National Park Service has never come across with their part and that's just the truth of the whole matter. And that's my reason, as I said a while ago, that I don't think that we can do anything until the National Park Service and the Department of the Interior says, "Well now, we'll do this or we'll do that." Now, we've made suggestions, and they've made more suggestions than we have, but they've always hedged on their suggestions, and backed out on them every time.

Felmet: Every time I think their face turns red that they proposed that a few years ago--like the Transmountain Road or whatever it may be-- and they certainly brought that in 1965 or 1966 at the Courthouse in Swain County. I think they proposed the same thing at Gatlinburg--they had those two meetings.

Myers: I attended the meeting in Gatlinburg and one in Washington with Secretary Hickle, all four senators--two from North Carolina and two from Tennessee; Congressman Taylor, Congressman Quillan, Duncan and one other Congressman and a former U. S. Senator were there. Congressman Taylor made one of the finest presentations I've every heard in regard to the Transmountain Road and every one of them were all for it. And nothing happened. And we've met, and met, and met--and until the National Park Service and the Department of Interior comes out with something definite . . .

FURNITURE FOR THE
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Bryson Cit
The Only Newspaper Publis
VOL. LVI NO. 23
BRYSON CITY, N. C. THUI

Park Area Is Enlarged

Sept. 9, 1943

Commissioners Pass Resolution On TVA Contract

Deliver us from evil

WHEREAS, representatives of Tennessee Valley Authority and the State Highway and Public Works Commission have submitted to this Board of Commissioners a form of contract between the Authority, Swain County, the State of North Carolina, and the United States Dpartment of the Interior, said contract being designed to provide a solution of various problems arising out of the flooding of State Highway 288 by Fontana Reservoir; and

WHEREAS, said contract provides, among other things, for the acquisition by the Authority of upwards of 40,000 acres of land lying west of the divide between Peachtree Creek and Lands Creek; for the incorporation of said lands within the boundaries of the Great Smoky Mountains National Park; for the construction of a parkway across said lands by the Department of the Interior as soon as funds can be obtained for that purpose after the war; for the construction by the State of North Carolina of a road connecting said parkway with Bryson City; for the closing of State Highway 288 as now constituted between Fax Branch and Watkins Branch, and the discharge of all obligations and liabilities of the Authority and the United States arising out of the flooding or closing of said highway; and for the payment of the sum of Four Hundred Thousand Dollars ($400,000) by the Authority in trust for the County for application to the principal of road bonds of the County which are now outstanding and unpaid; and

WHEREAS, the Board of Commis- [illegible] that it will [illegible]

depositing of the [illegible]

NOW, THEREFORE, BE IT RESOLVED, That the Board of Commissioners for the County of Swain, in session duly assembled, hereby finds and declares it to be advisable and for the best interests of the County and its citizens that the form of contract considered at this meeting and attached hereto, between Tennessee Valley Authority, the State of North Carolina, Swain County, and thie United States Department of the Interior, be executed and performed in accordance with the terms thereof, and this Board does hereby enter into such form of contract; and

BE IT FURTHER RESOLVED, That the Chairman of this Board of Commissioners be and he is hereby authorized and directed to executed and deliver a contract in such form for and on behalf of this Board of Commissioners and for and on behalf of Swain County; and

BE IT FURTHER RESOLVED, That the Clerk of Swain County be and he is hereby authorized and directed to affix the seal of Swain County to said contract, and to attest the same under his signature; and

BE IT FUTHER RESOLVED, That a copy of said form of contract be attached to and form a part of this resolution, and that this resolution, with said form of contract attached thereto, be spread upon the minutes of this Board of Commissioners.

I, D. R. Welch, Clerk of Swain County, North Carolina, hereby certify that the above and foregoing is a true and correct copy of a resolution duly and regularly adopted by the Board of Commissioners of said county in session duly assembled on the 26th day of July, 1943.

D. R. WELCH,
Clerk, Swain County, North Carolina

NORTH SHORE CEMETERY ASSN
HELEN C. VANCE
RT. 3, BOX 299
SYLVA, NC 28779

When Corporal Anthon Hohler, J
Falls, Minn., reached Guadalcan
of his half-brother, Private First
was killed in action during a gallar
heavy Japanese forces on October

Nov. 4, 1943

TVA ANNOUNCES AGREEMENT ON LAND FOR PARK

Large Boundary Added To Smoky Area; Road To Be Built

Officials of the Tennessee Valley Authority formally announced in Knoxville Saturday the completion of an agreement whereby 44,400 acres of land will be added to the Great Smoky Mountains National park and North Carolina will be afforded a new gateway to the park area. The added land will bring the boundary of the park to the shore of the Fontana dam reservoir.

Participating Agencies

The agreement was drawn up by the State of North Carolina, acting by and through the governor, the State Highway and Public Works commission, Swain county, the Tennessee Valley Authority, and the United States Department of the interior.

The agreement provides for the closing and ultimate replacement with a parkway of North Carolina State Highway No. 288, which extends from Deal's Gap to Bryson City on the

(Continued to page 4)

Nov. 4, 1943

T. V. A. ANNOUNCES

(Continued from page 1)

north side of the Little Tennessee and Tuckaseegee rivers and along the north shore of the reservoir of Fontana dam, waters from which will partially flood the highway at its present location.

The land being added to the park is within the territory included in the original authorized boundary, but the present more limited boundary of the park was established because of limited funds park officials said.

According to the agreement, the TVA will purchase the 44,400 acres of land between the Fontana reservoir and the present boundaries of the park, extending from Twenty Mile Ridge on the west to the divide between Lands creek and Peachtree on the east about two miles from Bryson City. The land will be transferred to the park [illegible]

Parkway Planned

The park service will include the lands within the boundaries of the Great Smoky Mountains National park and as soon as funds are made available by congress after the war, will build a high grade park road extending from the new boundaries of the park near Bryson City to Fontana dam and the access road which connects with U. S. Route 129 near Deal's Gap.

The State of North Carolina will build a state highway from Bryson City to the eastern terminus of the park road and will take over and

FURNITURE FOR THE
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BROWNING FURNITURE

Bryson City

The Only Newspaper Published in

VOL. LVI NO. 41 [illegible] Dec 9-1943 BRYSON CITY, N. C. THURSDAY,

ARMY TO BUILD PRACTICE ROAD IN SMOKY PARK

Route Of Relocation Of Highway 288 To Be Followed

GATLINBURG — Two crews of army engineers have begun running lines for a "pioneer" road in the Great Smoky Mountains national park project and, approximately 1,200 engineers' corps men are expected later this month to begin building the road, it was announced Monday night by J. Ross Eakin, park superintendent.

Mr. Eakin said that only a rough road will be built by the engineer units as experience in mountain road building, and it will follow the line of the proposed relocation of Route [illegible] from Bryson City to Fontana dam. The old route will be flooded by the reservoir of Fontana dam, and the new road is on the property which recently was acquired for the park to bring it to the borders of Fontana lake reservoir.

The park superintendent stressed the fact that the road the army men are to build, according to present plans, will be of the "pioneer" type and will not be for use by the public, but will be of considerable value to contractors in moving equipment and supplies into the area when the contract is let for the building of the permanent road over the relocated route.

It is expected that construction of the road by the army will begin before Dec. 15 and [illegible]. Mr. Eakin said that the amount of construction accomplished by the army men depends entirely on [illegible] orders received by the group.

[illegible]

[illegible] CEMETERY ASSN.
HELEN C. WISE
RT. 3, BOX 239
SYLVA, NC 23779

—THURS., MAY 25, 1978—*Cross Fontana Lake Sunday*

✓ Swain Families To Visit Graves

By BILLY PRITCHARD
Citizen Staff Writer

BRYSON CITY — An "armada" of small boats, filled with fifth to sixth generation Swain County families, will cross the wide waters of Fontana Lake Sunday in their first visit to family grave sites in 35 years.

The trip, which is expected to draw at least 100 people, will be to decorate the grave sites, which were cut off from access when the Tennessee Valley Authority flooded the area in the early 1940s.

The people of Swain County were promised access to the grave sites in an agreement worked out among Swain County, the State of North Carolina, TVA and the U.S. Department of Interior in 1943, but the "North Shore Road" was never built.

And it probably never will, according to Boyd Evison, superintendent of the Great Smoky Mountains National Park, who was interviewed Wednesday while attending a conference of regional superintendents at Fontana Village.

Evison said some alternative to the North Shore Road, which has proven to be environmentally unacceptable to current and past Interior Department officials, will be presented in the draft of the general management plan.

Evison said the park service will hold public hearings on the plan sometime this summer, then the public will have an opportunity to give their views.

Evison said the 1943 agreement hinged on some important wording: that the road would be built "if funds were appropriated" for it.

"There was a war on then, and the impression was that once the war was over, the road would be built," Evison said, but the project turned into a national issue involving "tremendous environmental opposition."

"That doesn't, in my mind, relieve us of some obligation to these people," such as upkeep of the cemeteries, Evison said.

The park service recently did renovation work at the grave sites in response to complaints and concerns from the generations of the families involved, Evison said.

Mrs. Thad Woods of Waynesville, whose ancestors lie in the Cable Cemetery across the lake, said the families appreciate the help of the park service.

"They mounded the graves, straightened the fence, set the head stones back up — the ones that could be — and cleaned off all the brush and debris in preparation for our decoration Sunday," Mrs. Woods said.

Mrs. Woods said there are more than 100 graves in the Billy D. Cable Cemetery, the second largest cemetery in the area known as Hazel Creek, which was cut off by the flood waters when the Little Tennessee River was dammed at Fontana 35 years ago.

The second largest, she said, is the Proctor Cemetery, which holds 178 grave sites. The entire area holds more than 1,000 grave sites, she said.

Mrs. Woods said the families will meet at 10 a.m. Sunday at the Cable Cove Campground and travel in boats across the lake, making the rest of the trip to the grave sites along foot trails. The group will return to Cable Cove at 1 p.m. for a picnic lunch.

Mrs. Woods said her grandfather, Samuel Cable, first purchased the land from a man who had purchased the tract from Cherokee Indians.

In 1943, TVA purchased 44,000 acres in the area, built the dam and then turned the land over to the U.S. Department of Interior.

Evison said a North Shore Road was started but never completed. About seven miles was completed before it ended at the other end of "quite a tunnel."

— Photo By Gary Fields

HENRY POSEY LEADS GROUP OVER STEEP LAKEBANK

They Came To Cable Cove To Remember Their Dead

BY JIM STINGLEY
Citizen Staff Writer

CABLE COVE--The descendants of Samuel Cable came back to their homeland here Sunday — for the first time in 35 years.

Bound by ties of blood and memories, they made their way from the bordering ridges of Tennessee and the far reaches of seven Western North Carolina counties to a boat ramp on a western shore of Fontana Lake.

And they stood there as a family, waiting for approaching craft to transport them two miles across the waters to land that had been theirs since 1845 — until they were forced out in 1943 by the establishment of the Great Smoky Mountains National Park and the building of the lake by the Tennessee Valley Authority.

— Photo By Jim Goldston

HELEN CABLE VANCE
. . . greets Martha Cable Monteith

But they had not come there Sunday to commemorate their uprooting. They had come because they believed a promise made to them when they left had gone unkept. They said they had been told that their family graveyard would always be maintained by the National Park Service and that a road would be built from Bryson City to their and others' graveyards, so there would always be access.

And this was important to them, the access, the upkeeping. Because their family graveyard had once played a special role in their lives...had established a tradition that had become as important to them as the heritage engraved on the tombstones there.

"We always had decoration day here, every fourth Sunday in May," said one woman who remembered. She smiled. "That was our coming out day for us girls. We all got a new pair of shoes and a new dress for that day."

The memory. And if not the memory to the younger ones, then the heritage.

But the road was never built. And, according to many of those present Sunday, their graveyard was left to the wilds.

"Except today," said one. "When the Park Service heard we had gathered up so many of us, they went in and really cleaned up the place. They cut out the brush and even mounded the graves and set the headstones upright. But a lot of us have been coming in here for years. And the Park Service never knew we did."

And the person speaking showed pictures taken of the graveyard that showed gravestones pushed over and pine trees growing where mounds should be...pictures taken not long ago.

And so they had come this day to protest. They had come in numbers, hoping that numbers would mean more than their individual voices had

— Turn To Page 12

12 THE ASHEVILLE CITIZEN, Monday, May 29, 1978

Cable Family Takes Time To Recall

— Continued From Page One

meant over the years.

And they came to speak for others who could not — or would not -- come.

"The older family members are too frail to make the trip," said one. "And some are just plain afraid of the water. They won't cross that water. It scares them."

It was understandable, the fear of water. It was a two-mile trip across that water that had to be taken. For those afraid of water, that would be a long way.

When those who did make the trip reached the other shore, the walk to the graveyard was not all that easy. It was up hill all the way. Because the lake was low Sunday, there was a difficult time climbing the steep, slippery bank. For those unsure of foot, it would have been dangerous.

When the group finally reached the Cable Cemetery, each went in search of his own heritage.

Myrtle Cable walked to where her husband and two children were buried. "Don't you think there ought to be a road to here for us?" she asked.

Mildred Cable Johnson of Andrews pointed. "This is my baby brother's grave there. And this is where my grandfather and grandmother are. And here's where my great grandfather and mother are. And there's where my great-great grandfather and mother are..."

Tim Cable, 21, of Waynesville, watched the others moving from gravesite to gravesite, placing roses and irises on some, plastic flowers on others.

"I took off work to come here today," he said. "I've got ancestors buried here. I'd never been here before, but I'd heard my father and my uncles tell of being here. And I wanted to come. I'm very interested in tracing my ancestry as far back as possible — to find out from others what things were like.

"That's the thing," he said. "It feels good being here."

Mrs. Lee Cable Woods was of the same opinion: "I just represent part of the younger generation that does not want to see our heritage destroyed," she said.

"And I want to be able to go back to this cemetery. That's all. That's all we want. It means a lot to us. It's our history."

When the flowers were placed on the graves, the descendants of Samuel Cable gathered at the head of the cemetery, beneath the surrounding trees.

They held a singing then. Accompaneied by their voices and spirits alone, they sang to their departed blood "Amazing Grace" and "What A Friend We Have In Jesus."

Luther Myers of Hazelwood was one of them. Born three miles across the mountain from where he stood, Myers was the son of a logging man who, along with his grandfather and uncles, was buried in this graveyard.

Myers had known the surrounding ridges like the back of his hand when he was young and working in the copper mines.

He, like so many of the others there Sunday, had many good memories of this land — memories that he never wants to be deprived of.

Luther Myers was asked, as the procession finally dissolved and headed back down to the boats, how important was it for his family to be able to come to this place.

The middle-aged man's eyes seemed to darken.

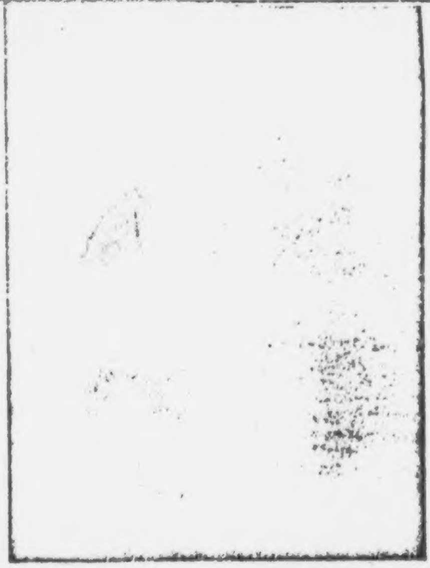
"If we could get in here," he said, staring down at the ground beside his father's grave, "I'd like to be put right there.

"That's the way I feel about it. This belongs to us. There ain't no way around it."

Woman Ordained In South Carolina

AIKEN, S.C. (AP) — The Rev. Mellie H. Hickey has become the first woman in the Carolinas ordained an Episcopal priest. Mrs. Hickey followed a procession of 25 priests into St. Thaddeus Episcopal Church to be ordained Saturday by the Rev. George M. Alexander, bishop of the Upper South Carolina Episcopal Diocese.

Mrs. Hickey, a 61-year-old grandmother, is married to the Rev. Howard M. Hickey, rector at St. Thaddeus.



— Photo By Gary Fields

ELEANOR CABLE RHINHART ... decorates grave

BOB TERRELL

Nov 10- -76

A Trip Into Nostalgia

Clarence O. Vance calls it "the place of no return," and for many it is. He had just returned from a visit to Hazel Creek, deep in the Great Smoky Mountains. He had seen what was left of the town of Proctor, the home of the W. M. Ritter Lumber Company — the land of his nativity.

BOB TERRELL

"When I was six," Vance said, "my father moved his family there and worked for Ritter until I was almost grown. I, too, worked in the lumber yard and planing mill before moving out — and what memories returned when I made the trip back to Proctor.

"Unfortunately," he added, "not many of those who lived there can attempt the trip into the mountains now, so they cannot return to the place of their childhood."

To reach Proctor, you must cross Fontana Lake by boat, and then take the road into the mountains up Hazel Creek. It is not an easy trip. It is a trip for the young and hardy, not the old and infirm.

He'll Tell Others

Vance made the trip for two reasons. He wanted to revisit the place of his youth, and he wanted to be able to describe the area to people who once lived on Hazel Creek and can no longer make the trip back, when they reunite this afternoon in the picnic area of the Deep Creek Campground near Bryson City.

....Crossing Fontana Lake, Vance had vivid recollections of riding the "local," the Fontana line of the Southern Railway, from Bryson City via Epps Springs, Noland Creek, Forney, Bushnell, Chambers Creek, Wayside, and Ritter.

Ritter stood at the mouth of Hazel Creek, and there the Shay Engine No. 25 of the Smoky Mountain Railroad would be waiting with its little passenger coach.

"I could almost hear the puffing of the little engine," Vance said. "It chugged along, its wheels squeaking on the crooked rails across the trestles, over fills, and around curves, the engineer playing a tune on his whistle to frighten cows, hogs and sheep off the tracks. There was no stock law then, and animals roamed free.

"Seated comfortably in the little coach, we could look ahead as the train rounded curves and see carloads of coal, freight, and the empties that would be loaded with lumber and pulp wood for the trip out.

"We would pass Camp No. 1 at Cable Branch," Vance said, "then on to the Elephant Rock, around the Beer Stand Curve, the W. A. Franklin store, and then there was the ball field and the Proctor school house. There we stopped and the engine was switched from the front to the back of the train on the 'run-around' so that all cars could be pushed into the station.

"When the engineer made the 'station blow' on his whistle, people would begin to gather at the depot to see who was coming to town and to await their mail at the post office in the company commissary.

Voices Of A Busy Place

"This I also remember," Vance said, "I remember the experiences, places, and the people, when more than a thousand lived up and down those creeks. I could hear again the sounds of the saw mill and the whine of the planing mill, the hiss of steam from the engines, and the sawyer's carriage, the thud of lumber being stacked, and the rolling of buggies and trucks along the lumber docks.

"I could hear the voice and the laughter of the children as we walked along the roads and board walks to the little school house which the company had built for us. I thought of the wonderful teachers who helped us with our learning. I saw again the little church where just about everyone attended, and I heard again those preachers, teachers, and singers who have meant so much to me over the years.

"I could see the old commissary, the boarding house, the club house, and the community building which the company had built for our enjoyment and entertainment.

"In my memory, then, I rode again on the supply train that went into the mountains where the logging was done. It hauled supplies for the camp stores. We passed North Proctor, the Poplar Foot Log trestle, Camp No. 4, thence across Hickory Nut Trestle, Sugar Fork, where the copper mines were, Bone Valley, the Hall farm, the Calhoun place, Walker's Creek.

"Then we would come to Camp No. 7 store and I could hear again the sound of the skidder whistle, the falling of timber, the voices of the teamsters with the large logging horses, the thump of logs being loaded at the landings, and here were Shay engines No. 35 and "two-spot," which switched the loaded cars that would soon be headed for the mill."

That night that Clarence Vance and his friends spent around a campfire, looking at the shadows and the ghosts of those long gone, they talked about some of the dearest people who ever lived — the Calhouns, the Crisps, the Cables, the Wilsons, Bryants, Stories, Laneys, Danielsons, Swans, Medfords, Franklins, and on and on.

"We didn't have an automobile," Vance said, "nor a television set, and few people in Proctor had radios — but we had the people, the tremendous friends, those who worked the timber in the great forests, and their families, and we didn't need TVs and radios."

During those years, millions and millions of board feet of lumber were produced from the huge companies that worked the southern slopes of the Smokies.

The work was hard — but the rewards were great. Clarence Vance, who labored as hard as anyone, left Proctor as a young man, wise in the ways of the country, strong in spirit, and deeply indoctrinated with the true values of mankind.

He went out to preach the gospel, and did so for many years, retiring finally in Banner Elk.

He will relive the days of his youth again today when he sees so many old friends and former neighbors from Proctor who grew up in the same way he did. He feels that he is the better man because of it, and so, I'm sure, do they.

THE ASHEVILLE CITIZEN, Monday, August 21, 1978 7

Families Visit Cemetery By Horse, Vehicle, Foot

By JAY HENSLEY
Citizen Staff Writer

FONTANA — Gertrude Tipton cleaned the leaves from the grave where she buried her husband here in the Great Smoky Mountains more than half a century ago and sat on the ground to rest.

"I'm tired," she said. "I'll put the flowers on Frank's grave in a little while."

While Gertrude Tipton rested, her younger sister, Myrtle Laney of Bryson City, was busily placing flowers on other graves, some of them unmarked.

Myrtle Laney is 70, and she walked every step of the way from the boat landing up the Hazel Creek trail into Bone Valley and then climbed the slope to the little cemetery.

They were among some 50 persons who walked, rcad horseback, a wagon and motorcycles from the Fontana Lake landing to Bone Valley, a total of 6¼ miles.

And some of them went on beyond Bone Valley to Hall's cemetery, another 2½ or 3 miles.

But the trip back to the lake was the hardest. They were tired, and the trip to the cemeteries was a deeply emotional experience for many who had left their dead when they were moved out of the area in 1943 when the Great Smoky Mountains National Park was being established.

"My husband was a World War I veteran," Mrs. Tipton said. "Uncle Pete Laney, down there, was a Civil War veteran."

Frank Tipton's grave is at the top of the slope where the cemetery of some 70 graves is located above Bone Valley. Mrs. Tipton stood up after placing the flowers, and spoke to the people who made the trip with her.

"I was just too tired when I got here, but I'm all right now," she said. "I thank you all for supporting me and bringing me back. You don't know how much it means to me to put these two little bunches of flowers on Frank's grave."

Mrs. Tipton lives in Asheville, but she said she plans to move to Bryson City soon. Her brother, William C. Laney, lives in Bryson City.

"I've lived in Bryson City ever since the TVA run us out of here," Laney said.

Most of the people on the pilgrimage to the old family cemeteries once lived on what is now the north shore of Fontana Lake, built by the Tennessee Valley Authority in 1947.

They left reluctantly, and many of them claim they were never compensated for the land taken by the government.

Margaret V. Christenson of Pfafftown near Winston-Salem has told Secretary of the Interior Cecil Andrus that much of the property was condemned in order to get the families out.

Some of the people loved their homes so much that they refused to sell their property, hoping to be able to return some day, she said.

Mrs. Christenson, who was also on a trip into the area last month to visit the Proctor Cemetery, said the people are not asking for a fancy road.

"We would be very happy with the old type road that we were accustomed to — narrow, winding and unpaved," she said.

The road they traveled Sunday accompanied by a CBS television crew from Atlanta, is narrow, winding and unpaved, but it is a very good road and is maintained to some extent by the National Park Service.

Their plans were to have two four-wheel drive vehicles in the park to shuttle the visitors to the graves of their kin, and the plan had been approved by Boyd Evison, superintendent of the Great Smoky Mountains National Park.

But they were unable to secure a barge suitable for transporting the vehicles, although a park service barge was tied up all day and unused at the landing at Hazel Creek.

"We are going to have a barge by next spring," Ruth Vickery said. "I already have the plans for one, and we are going to build it."

Evison has approved an interim proposal to allow the people — numbering in the hundreds — who have kin buried in little cemeteries in the park to use motor transportation to visit the graves.

But he wants to limit the excursions to about four times a year, and the people think that is not enough.

The trip from the north shore of the lake Sunday, totaling 13 miles for some and close to 20 for those who went on to Hall's cemetery, was made easier by Mike Dennis, park service ranger, and some of his friends.

Dennis frequently walked while others rode his horse. Horses were also provided by Garl Holder, the trail foreman for the 20-mile Hazel Creek area, and Bobby Millsap, a volunteer in the park who helps Dennis with searches when a camper is lost.

Frank Hyatt, the chief of maintenance for the Southern District of the National Park Service, provided the horse-drawn wagon.

"Don't let us go away sorrowful, but let us go away rejoicing," the Rev. Harry D. Vance of Sylva said during a prayer service at Bone Valley Cemetery.

Tearful men and women sang "Amazing Grace" during the service, then joined hands in a wide circle around the graves and sang "Blessed Be The Tie."

Many of those who made the trip across the lake did not get all the way to the cemeteries. There was perhaps 200 persons in all, and most of the older folks waited at a picnic area a short distance from the lakeside.

"They shouldn't have gone to Hall's Cemetery," Ted Laney said. "They'll be after dark getting back here."

It W

For

HELEN CABLE VANCE, left, and Ruth Vickery Hicks, valedictorian and salutatorian of the last graduating class at Proctor High School, are pushing for better access to Fontana family cemeteries.

Citizen Staff Writer

FONTANA — The pilgrimage from Cable Cove here to the Proctor family cemetery on the other side of the lake Sunday revived childhood memories for some of the older men and women on the trip.

For the children who made the journey, and the younger adults, it represented their heritage, a sort of a close-up look at their own personal histories.

It was the first decoration at the Proctor cemetery that was once part of a town by the same name in 31 years.

"This is very important to my children and me, there are five generations of my family buried here dating back to the Civil War," Lee Woods said as she walked the rutted trail from Hazel Creek to the cemetery.

They traveled first by boat, and there were 125 men, women and children on the trip.

They walked for a couple of miles after they got out of the boats, passing through what was once the Town of Proctor which is said to have had its own theater at one time.

Six boats were used, and they made trip after trip from Cable Cove with the people who came to put flowers on the brush-grown graves that have had little attention since the Tennessee Valley Authority built the dam that put the water barrier between the families and their dead.

The trip was a hard one for some of the older people, and they wouldn't have made it except for a service provided by an off-duty park service employee who ferried them from the lake in a rubber-tired horse-drawn wagon.

Mrs. Woods, one of the organizers of the trip, said resentment is building against the federal government and the failure by Congress to provide the long-promised road that would provide access to some of the cemeteries cut off by the lake.

Rep. Lamar Gudger's failure to accept an invitation to accompany the group Sunday didn't do anything to improve the federal-local relationship, Mrs. Woods said.

She said R. Curtis Ratcliff, Gudger's Republican challenger in the Nov. 7 election for the 11th District North Carolina congressional seat, was also invited and did not respond. Ratcliff was given only short notice, however, she said.

Ralph Cable, 61, of Lincolnton, was one of a number of persons no longer living in this area who made the pilgrimage Sunday for the cemetery decoration.

His father, Henry Cable, is buried in the Proctor cemetery, and he made the trip to put flowers on his grave. He was six years

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It Was A Time For Memories

--Continued From Page One

old when he left here.

Much of the bitterness among the people whose relatives are buried in Proctor cemetery and other family cemeteries on the Clingman's Dome side of Fontana Lake stems from fear that the Swain County Board of Commissioners will settle with the federal government for a cash payment instead of a road.

But some of them also feel that the National Park Service is attempting to discourage them from visiting the graves of their kin. They pointed out such evidence as the destruction of the spring from which they obtain water, refusal of the use of a large pontoon boat for transportation, and the lack of maintenance of the fence around the cemetery.

Transportation Sunday was provided by private boat owners, including Luther Myers of Hazelwood, the Rev. Ted Laney of Bryson City, Thad Wood of Waynesville, Lonnie Yarborough of Winston-Salem, Wendell Crisp of Bryson City and Richard Van Hook of Franklin.

"You can't imagine how exciting it is. I'm seeing some people I haven't seen in 35 years," Margaret Ann Christensen said as she waited for a boat to return to take her across the lake.

That was the mood of many of the people as they set out on the trip, and the atmosphere was charged with friendliness again when they had all been returned to Cable Cove and shared their picnic lunches at a nearby recreation area.

But there was sadness, and there was bitterness among the people who walked, waded and boated about 12 miles into the Proctor family cemetery and out again.

The Rev. Ted Laney, in his prayer at the graves, reminded the people that they had already been blessed by having the opportunity to get in once more to an area that is fast returning to wilderness.

"But I don't want it to go back to Mother Earth," one man said. "I want my children to have an opportunity to come back here, too."

Senator WALLOP. Thank you, Ms. Vance.
Mr. McLean.

STATEMENT OF RUSSELL McLEAN, WAYNESVILLE, NC

Mr. MCLEAN. I came to this hearing with a prepared statement, but after arriving in Washington I changed my mind. I changed it because when I arrived in Washington with the people from Swain County and I went with them to the monuments of their heritage, I knew that what I had written would have been inadequate.

I stood there and watched with pride these mountain people who showed up with admiration at the monuments of Jefferson and Lincoln. I watched their hearts swell with pride at the words that were carved on it.

These people stood there, read those words and it had a meaning to them. The words of Jefferson, which spoke of right, of morality, of belief in God, and the triumph over tyranny. Those words were the beliefs and the principles and precepts that these good mountain people were raised on; a belief of God and truth, and a belief that the Government and its representatives would honor its commitments and promises. They waited 40 years.

Standing there, I discovered a depressing paradox. The very agency which made these promises to these people to build them a road to their cemeteries, and has refused to honor its commitments and promises, in violation of the very tenants of honest government, is the same agency that we entrust with the duty of caring for these shrines of our heritage. That is a paradox in and of itself.

But aside from that paradox, I sat here and listened to the National Park Service say that they would build no more roads in the park. But if you look at the master plan, it shows that they're proposing 60.2 miles of paved backtrails 6-feet in width within the park, at a cost of $4.6 million.

You look at what these people are asking for as an expansion of existing access which is there. You listened to Governor Alexander say that he went to the Forney Creek area. Governor Alexander didn't tell you that they couldn't get the barge running, that they had to drive, and walk 3 miles because that barge wouldn't run. Governor Alexander didn't tell you what the territory looked like as far as the access from the lake up to where these roads now exist. Governor Alexander didn't tell you that anyone else has contacted private contractors in the private sector who have agreed to sign contracts with the Government to build the improved access that Senator Helms is asking for for the $950. Nobody told you that, but private contractors will be willing to do that, and put it in writing that they can do this. So there's not going to be any great expense to this Government.

In fact, the cemetery association will make you another proposal. You think that it's going to cost a lot of money to do this? We have men who are willing to do the construction at no cost to your Government. And what they will do is ask that you provide the gravel. They'll build the roads, you provide the gravel.

And I don't think there can be any better compromise than the same mountain people that carved this area out and made it their homes are now willing to take it on themselves to do what the Government promised to do 41 years ago. Thank you.

Senator **Wallop**. Thank you, Mr. McLean.

Ms. Pilkington.

STATEMENT OF H. RAYMOND MEWS, AS PRESENTED BY BARBARA PILKINGTON, WAYNESVILLE, NC

Ms. **Pilkington**. This is a statement from H. Raymond Mews, who was born in Haywood County in 1897.

I have been a resident of Swain County since I was 17 years old. My wife, Ida Chambers, was born in 1897 on Chambers Creek in the lower area of Swain County. This pioneer family and their decendants were buried in the Chambers Creek Cemetery.

I went into the moving business in 1940, and moved about two-thirds of the people from the north shore. Most of the people asked me to drop them a card when the promised north shore road was finished. They wanted to come back and put up tombstones and work on the cemeteries left behind. I have not had the privilege of writing a card to this day.

I think this issue has been a political ballgame long enough. The Government ought to bring it to an end one way or the other.

Some people would have you believe that the 44,000 acres of land in the lower part of Swain County is an untouched wilderness. Don't be fooled. Tax records, census reports, and photographs ridicule this statement. There isn't a stick of virgin timber along the entire route of the proposed road which the Government, in 1943, contracted to build in exchange for the 44,000 acres of Swain County land.

One thousand and more people made their home at Proctor; 1,000 lived on the headwaters of Hazel Creek. On Eagle Creek there was 1,000 more; on Forney, another 1,250 lived on Pilkey.

There were settlers in this region 20 years before the Civil War. Man's mark is everywhere in this region. Anybody who looks, can see the 29-plus cemeteries, railroad beds, and the remains of the Ritter Lumber Co. How do the wilderness people account for all this? This area is not wilderness and should not be designated as such.

I have a statement from the Omar Buchannan Post 9281. We, the Swain County Veterans of Foreign Wars, do stand in support of the Jesse Helms-John East Wilderness bill, and do fully support an access road to the family cemeteries on the north shore of Fontana Lake.

We do not believe that graves of the dead should be ignored and forgotten.

There are some 23 veterans of wars dating back to the Revolutionary War in these cemeteries. It is our contention that they have the same rights as veterans in Arlington or any other cemeteries.

We, of the Swain County VFW, 140 members, desire to go in the Congressional Record as strongly supporting legislation to make and maintain vehicular access to these cemeteries where our commrads in arms lie at rest.

I'd like Mr. Lamar Alexander to remember what else the President said when he dedicated the park, "nothing to be added to or taken away." How does he account for this?

We did agree to the closing of the road, if we would get one to our cemeteries. The North Shore Trail goes along the Transmountain Road Trail. There is nothing in the designated area through there that would be an endangered species. In my opinion, the only endangered species in this category is the mountain people, and we are producing them and just shipping them out of Swain County. Thank you.

Senator WALLOP. Thank you.

Ms. Woods.

STATEMENT OF LEEUNAH VANCE WOODS, WAYNESVILLE, NC

Ms. WOODS. I have some pictures here that I would like to submit for evidence that you can keep and look at as our access, and also a listing of our decorations to the cemeteries and their dates.

Mr. Chairman, I am Leeunah Woods, and I have five generations buried in the 26 cemeteries across Fontana Lake.

I am for no wilderness in this area at all, but between the two bills, I am for the Helms-East bill, S. 2183.

My fourth great-grandfather, Casper Cable, fought with Gen. George Washington during the American Revolution at the Battle of Trenton. It was his children that settled the Cades Cover area and also the Proctor area.

Eastern Tennessee is so proud of the Cable family in that area, and they do so much to maintain it, but the North Carolina side of the same family, the same decendants, is ignored and wanting to be isolated and kept away from the public.

You hear so many people here today, and it's funny to me, talk about our access we have. Such real good authorities.

Our own Jamie Clarke, Representative, has never been with us in his entire term on any of our decorations. We have had Governor Hunt's man go to a couple of the close ones. We have never had any of Governor Alexander's people come and go with us to any of the decorations.

The ones, if they do go, are the closer ones that's easy and accessible to get to. They never see the majority that are so hard to get to.

This is real funny. I don't see how they can be experts when they have never been.

If they haven't been—I invite them to go. Believe me, they will get the same treatment that I do. You're either packed in the back of a CJ-5 Jeep, which ordinarily should hold four. Usually you end up with about three in the front and about six or seven in the back. You're beat, banged, bruised by the time you drive anywhere, from 2 to 14 miles.

If you're lucky enough to crawl in the van, you get in the van. Now, this is not a reflection on the park. This is all they can do at this point. And in order to get these people from the lake's edge to the cemeteries in time at 12 noon, for the decoration, they must do this; they must overload them, they must crowd them.

We had a glass window on the back of a jeep fall and hit a lady in the head. She's added, her neck still bothers here. Bless her heart, she wouldn't do anything about it. She said, I'm glad it's me instead of somebody it could have killed.

We've had one man climb a bank and have a stroke. As a result, he died 2 months later. He never came home from the hospital. This is not adequate access.

We have now come up a little bit in the world from the beginning of a mule and a wagon, to the jeep, to the vans, to a dump truck with hay bales. We must climb a ladder to get in this dump truck.

The roads are not easily maintained. They are left in the primitive state. Rocks are left in them. In some places, if the access is left as it is, they're going to have to provide gravel, they're going to have to widen the road in some instances. They're going to have to do this daily and yearly, because we don't intend to neglect them. And rocks are going to have to be removed. It's going to cost a lot. It's going to cost more from now through eternity than what a road would cost, because we don't intend to forget.

I wish that some of them would come and go with us, then they could speak as authorities. I invite them to, and you, too; not just the close ones, the ones that are far away.

[The prepared statement of Ms. Woods follows:]

March 11, 1984

Senator Jesse Helms, Jr.

I am writing you to request to speak at the hearing in Bryson City, North Carolina on Friday, March 16, 1984.

The Fontana area means a great deal to me and my family. I have three children ages 15, 13, and 10. My Mother and Father were both born on Calico Street in Proctor, North Carolina. I have an uncle, great grandparents, great, great grandparents, great, great, great grandparents pliis numerous cousins, great aunts and uncles buried in the 26 cemeteries across Fontana Lake.

I want my children to be able to take their children and grandchildren to see where their family lived for generations, and where they are buried. A belief in God and being able to go where your ancestors use to live is very important to everyone. To visit the graves and remember the hard times they probably had in the early years starting out, means a lot. When I myself, go to visit the cemeteries, I feel an unbelieveable, warm, wonderful feeling to be able to walk, stand, and worship where my family have for over 150 years. I want my children and grandchildren to be able to visit here for another 150 years.

One other thing that means a lot to me is that our son, Heath, was saved and became a Christian and he wanted to be baptized in Hazelcreek at the old baptizing hole where his grandmother and great grandparents were baptized years before him. Our pastor in Waynesville agreed with Heath's request and he was baptized in Hazelcreek in 1979 by his grandfather, Harry Vance, who is a Baptist minister. He was the first to be baptized here its nearly 40 years. It was a thrilling experiencence. There was so much emotion for everyone there. For so many it brought back so many memories. I'll never forget it.

This area is important to many young people and children in this country. People seem to forget there were over 1,200 families which in 1943 consisted of over 7,000 people who moved out of this area. They scattered all over the United States and their families have grown also. Most of them now have grand children and great grandchildren. You cannot tell me that is not a lot of people. This area and these 26 cemeteries have been their heritage for many years.

We have all been taught in school all the way through, how important heritage is to each of us. We are taught U.S. history in school and are taught to be proud of our forefathers who fought for freedom for this country and all of us. We are taught to remember them, respect their memory and honor it. I've been to Washington's grave and seen Arlington cemetery where so many are remembered and honored and who graves are visited by their ancestors and immediate family members. Graves are marked and taken care of in our nation's captial and in cities and towns all over the United States. The Unknown Soldier is honored daily with guard changing and flowers. How can a county honor and place importance on the grave of an unknown soldier like that and then not want us to be able to honor and visit the graves of our ancestors, who also fought for their country and settled western North Carolina? It is not fair and it is unamerican! My 4th great grandfather fought with Gen. George Washington at the Battle of Trenton, during the American Revolution. Our family graves are just as important as President Washington's and should be treated so. Without his army, he could not have won the American Revolution and started this great country. All his soldiers were important, too.

My 4th great grandfather, who fought with Pres. Washington, had several children. Some of them settled in Cades Cove, Tennessee and some in Proctor, North Carolina, which is right across the mountain from each other. They traveled across the mountain, whether by horse back, wagon or walking, many times to visit one another.

I am against Senator Bakers bill and there are a few things I do not understand in his reasoning. I think you will see my meaning in a little while.

You can go into any library, book store or at the Sugarlands center and you will find many books on the history of Cades Cove and its people. The books tell how they settled eastern Tennessee and what an important part they are in eastern Tennessee heritage. I have several of the books myself and I agree with their importance. Tennessee and Mr. Baker are proud of this area and of the people that settled it. What I don't understand is, how can they not be proud of the Cable's, Myer's, Tipton's, Burchfield's, Spark's who settled across the mountain in western North Carolina and were brothers to the one's which settled in Cades Cove, Tennessee? Why is the state of North Carolina being slighted when it comes to our heritage? We are one of the United States also and our settling of western North Carolina is as important to the country as eatern Tennessee. Sen. Baker, Sen. Sasser as well as North Carolina's own Congressman Clarke seem not to, However, believe this is true. Proctor and area were settled in the early 1800's just as Cades Cove.

I would like to quote something from the book, "The Cades Cove Story", written by A. Randolph Shields and published by the Great Smoky Mountains Natural History Association.

"Who were these people who settled and prospered here, who build their homes and schools and churches, who raised their children and buried their loved ones in the cove? the families who opened up Cades Cove were pioneering families who found here a virgin, fertile valley and reaped bountiful harvest of their labors. They were typical of the true pioneers, subsisting and prospering by their own ingenuity. Another type people would later come to the Southern Appalachians ——— but the people who first pioneered, who found their greenest pastures here and stayed, these are the people of this Cades Cove story. They clung proudly to what they owned and they left their mark for the future."

Who were theses people of Cades Cove? They were brothers to the people of the Procton area, who felt the same way about their land in North Carolina as those in Tennessee, yet now, everyone seems to forget how hard they worked to settle this area. They don't even want to allow their families to be albe to go back to the cemeteries where they are buried.

The cemeteries of their brothers in the same Great Smoky Mountain National Park on the Tessessee side are kept very clean, easily found, accessible by road, fenced in very nicely and each has a sign telling you the name of the cemetery. We, however, are suppose to be satisified with unmarked graves, fences falling, graves and markers damaged by lack of maintance and wild aminals, no fences around the majority of the cemeteries, no signs in any of the cemeteries to tell you which one you are visiting. Unless you visit the cemeteries on Decoration Sunday or give the park advanced written notice that you want to go to one of the cemeteries, you must cross the lake at your own expense and then walk from one mile up to fourteen miles, depending on which cemetegy you plan to visit. So many times you may only be home for one day or maybe a weekend, and a visit to the cemetery and area is a spur of the moment decision and you cannot give the park advanced notice and really beside that, what family always wants a park official tagging along with you everytime you go visit your relatives in a cemetery. You may want to spend the whole day in the area, which is what most of us do when we go. At any time on the Tennessee side of the Park you may visit any cemetery easily but not the cemeteries of North Carolina. We cannot and will not every be satisfied with this type of access. We were not promised this type of access either.

Our grand parents believe d in their government and loved their country as well as their God. They believed the Bible and tried to live by it as best as they could. They believed in a mans word and most definately their governments word. When representatives of their government promised them a road back to their cemeteries, they really believed it would happen.

Their children also believed it and patiently waited for the road to be built. A lot of the older ones have since died but still they believed one day the road would be built. They instilled this belief and respect in their children and grandchildren, but due to the money being appraiated three times and failing to reach here and never getting any answers from anyone in Washington, they began to see that they may have to fight for their rights which had been misplaced for so many years.

It is terrible to realize that your country does not want to honor their written agreement with the people of their own country yet they make sure they honor agreements with other co[illegible]ries and stress to you and everpne the importance of doing so. To me, this is being very hypocritical. What happen to the saying, "Practice what you Preach"? How can Americans remain proud of a country who does not honor its agreemet with its own people?

We know that the original agreement called for a two lane paved road much like that on the south shore of Fontana. We do not want this either, even though by law we are entitled to it. We have agreed to compromise and only ask for a fire lane road to the cemeteries, something that would not damage the land that means so much to us. This is possible, very possible. We know for a fact that not many miles of road would have to be built in any new area if the lake shore trail were used as a fire lane road and widened. We have agreed to compromise but this does not seem to matter at all. People who have never been in the area and never been to the cemeteries want to say it is impossible and will damage the enviroment, which is not so. You, cannot, fly over an area and see for sure that something cannot be done, sepecailly, when it is covered by so many trees. You must walk the area to really see the real situation. I know Sen. Baker, Sasser and Congressman Clarke have never visited all the cemeteries. How can they be such authorities?

I would like to now tough on access. [According to the newspapers and listening to a lot of politicians and enviromentalist, we have famtastic cemetery access. It is so fantastic though, they have never tried it but are real authorities, and are to be believed.] We first decided to all form and ban together to try and get something done about the road, when we saw that our efforts seperately over the years were getting us no where. We wanted to go and visit all the cemeteries and see whee they were located before anything happened to the ones who knew where they were. We decided to start and have decorations at the cemeteries as they did when our families lived in this area. We began with the Cable Cemetery which has 160 graves. The original decoration was on the 4th Sunday of May, so we scheduled one 40 years late and everyone was excited. They had all wanted to go home again and never had a way.

When we first began in 1977, we furnished our own boat across the lake or hired one at Fontana. The boats made several trips back and forth across the lake to get everyone. Many times there were over 100 people that would come to the decorations.

Let me say this about decorations. I'm sure you are familiar with them yourself, but I would still like to explain our religion and belief. We believe in remembering your ancestors and the way we do this is once a year set aside a Sunday to pay your respects to the dead by taking flowers and laying them on the grave, having a short service in rememberance of them and giving thands to God for them and the lives they lived. It is also a time to respect the living and rejoice in being with the living members of your family and fiiends. It is a time for renewing acquaintances and sharing memories, funny, happy and sad. I think the majority of Americans all believe in this.

Back to access, [at first we furnished our own boat transportation, then we had to walk from one mile up to 14 miles depending on which cemetery you were going to visit. The Park did furnish us with a mule drawn wagon which only held very few and could travel no faster that we could walk. One of the trips, the brakes broke on the wagon. We also took two or three motorcycles which belong to our group. Sone of the older ones who were not afraid of water and did cross the lake were afraid to ride in the wagon because of their heart condition and the jostling they would have to take riding in the wagon so they just walked, and it wasn't all on level ground. a lot of it was up hill. Some, that were able, could take a short cut and wade across Hazelcreek, instead of walking or riding the long way around.

We had one man to cross the lake in a friends boat, get out, climb straight up a steep bank to the main road, which was the only way to go, arrive at the edge of the road and collapse. We were just lucky that day to have a doctor and nurse on the trip with us. The Park employees took him back across the lake. He suffered either a stroke or heart attack and died approximately two months later as a result of the trip.

A CBS camera crew came up from Atlanta once and went with us to Bone Valley cemetery to do a story about the cemeteries. Thad had to walk with us 9 miles from the lakes edge and back 9 miles. We had a coupleof horses along with the mule and wagon. They took turns with nearly 100 people walking, riding the horse and wagon with their heavy camera equipment. It is really an experience to travel this way. Ordinarlly a visit to most any cemetery only takes at the most a couple of hours for the entire trip from home, not for us, we must spend the entire day away from home to visit just one cemetery.

We appreciate what help the Park has been in helping us cross the lake and getting us to the cemeteries. They have done the best they can at this time, but it is not and never will be adequate access. Several of them must spend their Sunday's with us all day long, instead of being with their families. When we have a fire lane road, they will have their weekends off, as they should, to spend with their families. Without the road, think of the money in salaries it will cost.

The access we now have is limiting in itself as to who can go visit the cemeteries and who cannot. Many people are afraid of water and will not cross the lake, therefore, they wait patiently on the other side until we all return lake in the afternoon or else just stay home to begin with. It is also hard to take small children on atrip like this. You have to always carry your lunch with you and carrying your child also is next to impossible. You usualiy have a camera along with everything else.There is also a good chance of happening upon snakes and wild boars, which has happened to us.

How would you like to be put in the back of a jeep with no seats, only a spare tire for maybe two to share, two people ride in the front with the driver and I have seen and been with as many as 7 in the back of the jeep, then you are banged and bruised by being bounced around over the large rocks and holes that are in some of the roads? My Mother was riding in the back of just a jeep described, when it hit either a rock or a hole in the road and the back glass window, which was up and the tailgate down, fell and hit her in the top of the head. This accident affected her head and neck for several months. An accident like this could have killed someone or seriously injured them. We also now have a dump truck to ride in but we also have hay bales to sit on. Cramped in one of these vechiles, you sometimes feel like an animal that has been packed in, and nearly foled up in some instances. It doesn't matter if you are 2 or 92 years old. It is for certain, you cannot wear Sunday dress clothes like your Grandparents did to decorations years ago.

How would you also like to be 6 miles from the lake shore with 150 people, eating lunch and have a rainstorm begin. There is no shelter and you are trying to eat your lunch with the rain bouncing out of your plate and hitting you in the face? Some were lucky to have a piece of plastic to put over their heads, or a garbage bag to put over them, a few did happen to have an umberella with them. The ones who weren't so fortunate just ate their lunch, rain water and all.

We also now have a couple of vans that take people to the cemeteries. This is a much nicer way to travel but many times the vans are way overloaded to try and get everyone to the cemeteries in time for the decoration at 12 noon, which doesn't always happen. The van load I was with one time, was over an hour late. The drivers do the best they can. To get to the decoration even an hour late, we had to pile in and many of us sit on each others lap and days, the vans have got stuck in level ground and could not be pushed out. You could see smoke just boiling in the pictures that were taken on that trip. The only way it was freed from the mud, was to push it until the jeep could reach it with a chain and then have several of the men push. The jeep by itself, could not free the van. One of the Parks jeeps turned over while checking the roads and getting everything ready for decoration for us the next day. This could have happeded the day of decoration, loaded with people, just as easily.

I do not understand how anyone can call this adequate transportation and think we should be satisfied. If they do, believe me, they have never been with us on our trips, I assure you. I would love to have them along but you never see them th , then maybe they would understand our situtation. As it stands, now, they don't and I repeat Don't know what they are talking about. There is no way it is a safe way for children unless they are old enough to take care of themselves and as for the elderly, in some instances, impossible and always an unfair way to have to travel. We need the road and we are entitled to the road but most of all, we were promised the road. A road that is better maintained such as a fire lane road would be great.

Senator Helms, I really appreciate your help and also the stands you have taken on political issues. I really admire you. I hope you will be able to help us and I hope we can help you get yourr bill passed. This country needs more men who truly have morals and care about what is right and wrong and try to do what is right for the American people.

I would like to have all those opposed to the road to stop and think how they would feel if it was them and their parents that had to give up their home for over 150 years, their schools, churches etc and move away from the area knowing that they had been promised a road back to the cemeteries just as soon as the war (World War 11) was over and then later told NO ROAD. I'm wondering if they wouldn't possibly feel the same way we do. As far as I know, we are the only people in the United States to ever be treated this way and to have to go to so much trouble and work to visit one cemetery. Everyone else has proper access to their cemeteries, especially if it was promised.

One thing people need to realize also, if Senator Baker's bill passes, is that there are no guarantees that our cemeteries will be kept up and maintained no better than they are now and what is to stop them from letting us visit the cemeteries?

What I find really amusing is that it is possible, very possible, Senator Baker may be opposing his own kin. One of my great grandmothers was a Baker from the area.

We are so glad of your help. God bless you in everything you undertake to do.

Sincerely,

Leeunah Vance Woods

Leeunah Vance Woods (Lee)
200 Broad Street
Waynesville, N. C. 28786

Senator WALLOP. Thank you very much.

Let me just ask. Has Governor Hunt or any of his people been down?

Ms. WOODS. Yes. Wayne McDivitt, when we started back in 1976 organizing a set decoration, has been with us. He has been with our group as a decoration to Proctor. He's been on his own, I'm sure to some of them.

But I wish you would realize that even when you go on your own, you do not get it firsthand; when the park takes you, they make sure that you are as comfortable as possible, which is the way the majority of the people go. Even the environmentalists get more treatment than we do. They are taken in on their own, and they're not crammed and packed. It doesn't matter if you're 2 or 92. They have never though, never been with us to the ones where you have had to walk so far.

I leave home at 7:30 in the morning, drive 65 miles, cross the lake, and I have been 1½ to 2 hours late, even missed dinner and the decoration, trying to get everybody up there. And then come home at about 8 or 9 at night. I don't even try to take my children.

Senator WALLOP. Thank you very much.

Mr. Hall.

STATEMENT OF STANLEY R. HALL, MEMBER, NORTH SHORE CEMETERY ASSOCIATION

Mr. HALL. Chairman Wallop, I am Stanley Hall from Marion, NC. I am a member of the North Shore Cemetery Association, and I would like to thank you and the members of your committee for the opportunity to speak today.

The North Shore Cemetery Association was formed approximately 8 years ago for the people who had relatives buried on the north shore of Fontana Lake.

Prior to the formation of the association, all efforts to visit or maintain the cemeteries were conducted on an individual or family basis.

This fact made it extremely hard or impossible for all of the people to visit or maintain their relatives' graves.

The first problem the people faced was the lake. A person had to have a boat or access to a boat just to reach the north shore of the lake.

After arriving on the north shore of the lake, the people had to be in excellent physical shape to walk to the respective cemeteries.

All of these hardships, or the very existence of the North Shore Cemetery Association would have been eliminated if the U.S. Government had honored an agreement made in 1943.

In 1943, both of my grandfathers signed an agreement with the U.S. Government to leave their next of kin buried in the cemeteries on the property which had become the north shore of Fontana Lake.

They both understood that if they gave up their land, homes, and heritage and relocated, the U.S. Government would build an access road from Bryson City to Fontana by which they would reach their respective cemetaries.

This road was started, but it was never completed.

As a member of the North Shore Cemetery Association, a concerned citizen of North Carolina, and having a personal interest and investment in this issue, I'm in total support of the bill S. 2183 introduced by Jesse Helms. This bill is the only bill of those being considered which has any provision for an acceptable settlement concerning the original agreement made in 1943.

The bills provide for a cash settlement to go directly to Swain County. The bills provide large amounts of acreage for a wilderness area within the Great Smoky Mountains National Park. Only bill S. 2183 contains provisions for a Forest Service type access road which would cover the promise made in 1943.

With all due respect for this committee and for the different groups that have become involved with this issue over the years, any settlement which is to be considered as a fair and just settlement must contain provisions for an access road on the north shore of Fontana Lake, which was the original promise made 41 years ago and continues to be the outstanding factor within this important issue.

I have heard several people representing State and Federal Government speak today. They all seem to be concerned with money, plants, animals. I'd like to ask a simple question. What's happened to the very thing our Government tries to project worldwide, our own human rights? Thank you, sir.

[The prepared statement of Mr. Hall follows:]

The Senate Committee on Energy and Natural Resources:
Chairman Malcolm Wallop:

I am Stanley R. Hall from Marion, North Carolina.I am a member of The North Shore Cemetary Association and I would like to speak on their behalf today concerning the bill Jesse Helmes has proposed to settle the 1943 controversy between Swain County and the U.S. government.

The North Shore Cemetary Association was formed approximately eight years ago by the people who had relativies burried on the north shore of Fontana Lake. We established the North Shore Cemetary Association to allow us to have a collective effort at the visitation and maintenance of the cemetaries located on the north shore of Fontana Lake. Prior to the formation of the Association all efforts to visit or maintain the cemetaries were conducted on an individual or family basis. The fact that all efforts were based on an individual basis made it extremely hard or impossible for all of the people to visit or maintain their relativies graves. The first problem the people faced was the lake. A person had to have a boat or have access to a boat just to get to the north shore of the lake. After arriving on the north shore of the lake the people had to be in good physical shape to walk into their respective cemetaries. The North Shore Cementary Association has through collective efforts enabled a lot of people to return to their respective cemetaries who would never have been able to make the trips. For the first five years of the Association's life the lake was crossed in individual boats or on a pontoon boat from the Fontana Boat Dock.(Paid for by contributions from the members of the Association.) We solved the walking problem of our physically impaired the first trips by using a horse and wagon. Sometime later the National Park Service started to assist us by providing four wheel drive transportation where possible. All of our problems or the very existance of our association could have been eliminated if the U.S. government had honored the Agreement of 1943!

In 1943 both of my grandfathers,Marion Spurgeon Hall and Thomas Cable, signed an agreement with the U.S. government to leave their next of kin burried in the cemetaries on the north shore of what would become Fontana Lake. They both understood that the U.S. government would build a road from Bryson City, North Carolina to Fontana, North Carolina, which would allow access to their respective cemetaries for visits and maintenance. A road was started from both ends of the proposed site but but construction was stoped and was never resumed. Both of my grandfathers died expecting the U.S. government to finish the road.

My parents, William Johnson Hall and Myrtle Cable Hall were aware of the Agreement which had been signed by their fathers and they too continued to expect the U.S. gov- to complete the road. My father passed away thirteen years ago and still there was not a road to allow access to the cemetaries. My mother and I continue to expect the U.S. government to finish their part of the Agreement while we still continue to cross the lake and care for the graves of our relativies.

My relativies burried on the north shore include the following:

Great Grandmother	Nan Johnson Laney	Burried at Bone Valley	
Great Grandfather	Pete Laney	Burried at Bone Valley	
Great Grandmother	Lisa Medlin Hall	Burried at Bone Valley	
Great Grandfather	Elfonzo Hall	Burried at Bone Valley	Civil War Veteran
Great Grandmother	Solona Calhoun Cable	Burried Cable Cemetary	
Great Grandfather	John Marion Cable	Burried at Cable Cemetary	
Great Uncle	Mark Laney	Burried at Bone Valley	Civil War Veteran
Great Uncle	Jess Hall	Burried at Bone Valley	Civil War Veteran
Uncle	Ernest Hall	Burried at Bone Valley	
Aunt	Ivory Hall Smith	Burried at Bone Valley	
Uncle	Clyde Cable	Burried at Fairview Cemetary	
Uncle	Clarence Cable	Burried at Fairview Cemetary	

As a member of the North Shore Cemetary Association, a concerned citizen of North Carolina,and a person with a personal interest and investment in the issue I am in support of the bill introduced by Jesse Helms. If you look at all three bill being proposed, only the bill proposed by Helms is a satisfactory settlement for all fractions concerned. All three bills provide a settlement of $9.5 Million and the forgiveness of a loan obtained to build a new school. This would be a settlement for the current residents of Swain County only! Two of the bills provide the money settlements plus they call for large amounts of acreage to be designated as wilderness areas. Both of these bills would satisfy the current residents of Swain County and the various enviromental groups. The only bill being proposed which makes any provision for the settlement of the 1943 Agreement concerning the road on the north shore is the Helms bill. His bill will provide the same money settlement, provide 400,000 acres for wilderness area, and $950,000 for the construction of a forrest service type road along the north shore of Fontana Lake. I consider the Helms proposal the only bill being introduced which would solve all of the problems involved; the current residents of Swain County, the different enviromental groups, and the people to whom an access road along the north shore of Fontana Lake was promised some 41 years ago.

Respectively,

Stanley R. Hall

Stanley R. Hall

Senator WALLOP. Thank you, Mr. Hall.
Ms. Kirkland.

STATEMENT OF CAROLYN KIRKLAND, MEMBER, NORTH SHORE CEMETERY ASSOCIATION

Ms. KIRKLAND. Mr. Chairman, I'm a member of the North Shore Cemetery Association. I'm real proud to be here. And I attended that field hearing in Bryson City, March 16. It's the first time I'd had a chance to see Government of the people and by the people, and I hope that you all make it for the people by building the road that we were promised in 1943 from Bryson City to Fontana in exchange for the land that my people were forced from, with very little pay.

We believed that the United States was as good as its word. 41 years have passed, and we still believe. But what's the holdup?

Some of these folks say that a road would destroy this beautiful wilderness area. But these hiking trails and these bike trails, they don't seem to hurt anything. The animals still seem to get along when they build these hiking trails for these folks.

Why can't we just widen the existing trail down the north shore that Mr. Alexander walked a very short distance on, since it's already been clear-cut 15 feet with cross-cut saw, I might add? The park's done this.

We don't want any more wilderness in Swain County. I don't want any more wilderness anywhere, personally. That's my personal opinion though.

But if we have to have wilderness, I strongly believe that Senator Helms' bill is the only fair bill. It's the only fair bill for all concerned; for the North Shore Cemetery Association, the wilderness people, the county.

And I think $9½ million is a small price to pay for a logging-style road for these people who sacrificed. These people that come from out of state, and want it turned into wilderness, and they say it's going to do a lot of environmental damage, what have they sacrificed? Have they sacrificed their homes, their cemeteries, their mothers and fathers?

I'd like to ask these people just how many acres and how much money they'd like to donate to the wilderness?

I'd like to invite each and every one of you to come to Swain County and attend these decorations, see these old folks and see the hardships we have to go through to get back.

And in my testimony, I'd like to include a map of these cemetery locations and ask you to look over it. And ask you once again, please keep the 44,000 acres out of the wilderness and build the road that was promised my people. Thank you.

[The prepared statement of Ms. Kirkland follows:]

March 21 1984

Sen. Wallop,

Thank you for this opportunity. I am 18 years old and finished college Feb 24 1984 and Friday March 16th when the Senate Subcommittee held hearings in Bryson City NC. was the first time I have ever seen Goverment of the people, and by the people And I want to urge you all to make it government *for* the people. The government which promised the people in 1943 to build the road from Bryson City to Fontana in exchange for the land they lived on and very little pay. Those were good honest people who believed that the United States Govt was as good as its word. 41 years have passed and we still believe, but we ask ourselves what has been the hold up for so long. Some of these people here today say a road would destroy this beautiful wilderness, but they fail to mention the 4 foot wide trail that was built last year along the very route the 10 foot wide road would cover. It was built by the Park Service at the request of the wilderness groups at the cost of about 1 million dollars. Our mountain people cannot see how doubling the trail would be asking too much. a 15 foot right of way

has already been clear cut. To us
these arguements just dont hold water.
We do not want any wilderness but
if it must be we feel Sen. Helms
bill would be much better for all concerned.
As I set here and listen to these folks
speak out for this wilderness area I
realize just how little they know or
care about this area. What have they
scarfied? Not one of them was force to
leave their homes or their heritage.
How can anything be political right
when it is moraly wrong.

Swain County and her people have
given much and I believe the 9½
million dollars and the road back
to our homes would be a small
price for our Government to pay
Swain County has kept its end of the
deal and we would like to see the
Federal Government live up to the
Contract the signed

I would like to enter this map of the
Cemeteries location in my testimony and
ask you all agin to please keep the
44,000 acres out of wilderness

Respectfully
Carolyn Kirkland

NORTH SHORE CEMETERY ASSN.
HELEN C. VANCE
RT. 3, BOX 2[illegible]
SYLVA, NC 28779

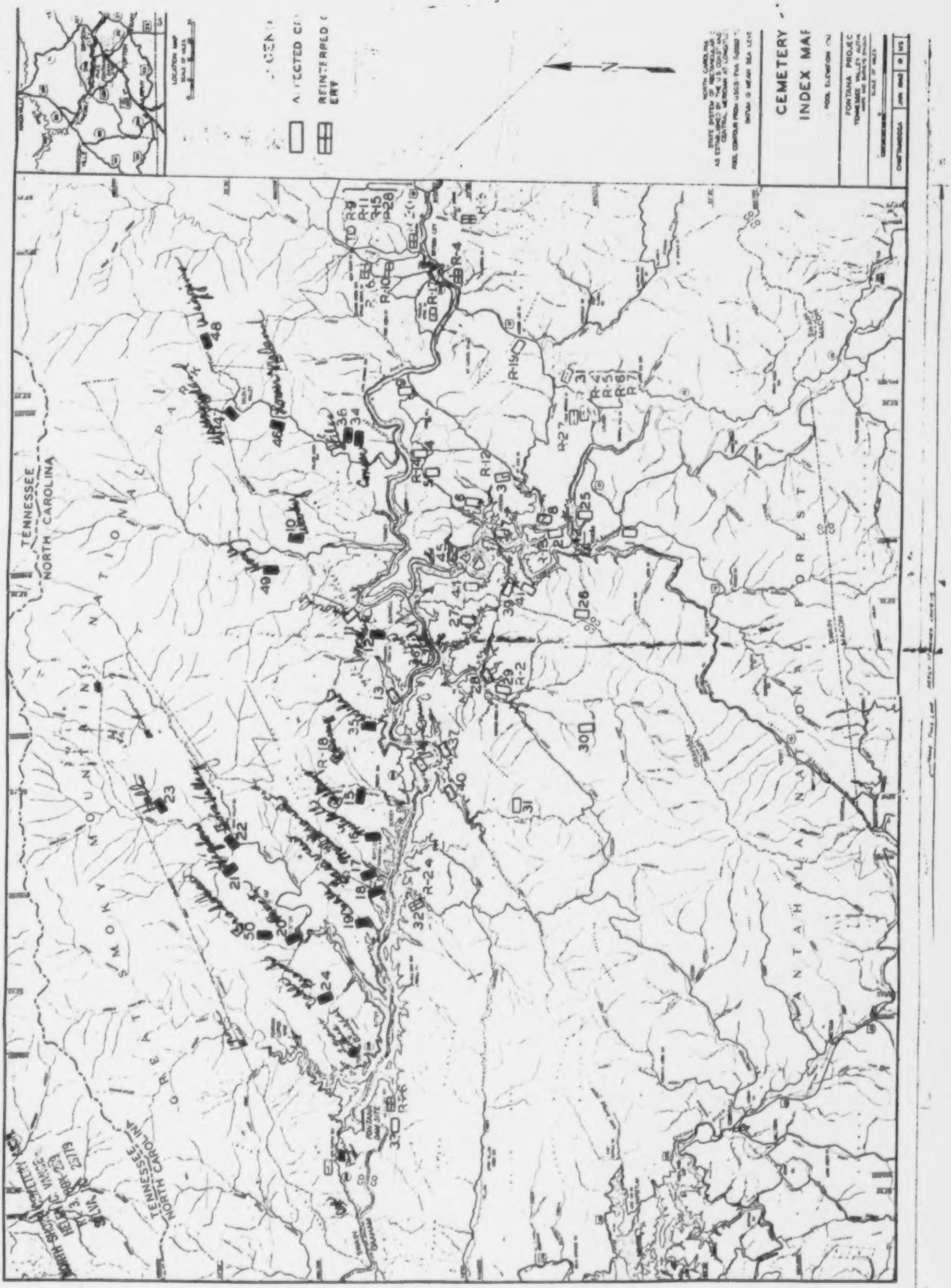
FONTANA RESERVOIR

Summary of Grave Relocation Operations
North of Reservoir

Cemetery No.	Name	Total No. of Graves	No. of Graves Reloc.	No. of Graves Left in Place	Remarks
10	Woody Public	146	61	85	37 Remain Permits Signed, 48 graves unidentified
11	Montieth Public	256	256	0	
12	McClure Private	26	13	13	10 Remain Permits, 3 graves unidentified
13	Hyde Public	100	100	0	
14	Dorsey Public	171	170	1	Relative refused to sign perm. grave flooded
15	Pilkey Public	42	1	41	41 Remain Permits
16	Mitchell Private	5	0	5	5 Remain Permits
17	Hill Branch Private	2	0	2	2 Remain Permits
18(R-22)	Fairview Public	74	2	72	72 Remain Permits + 1 grave reinterred by TVA at relative request
19	Cable Public #1	155	0	155	155 Remain Permits
20	Proctor Public	198	6	192	180 Remain Permits, 12 either unknown relatives or relative refused to sign
21	Higdon Private	17	0	17	17 Remain Permits
22	Bone Valley Public	82	0	82	82 Remain Permits
23	Hall Private	18	0	18	16 Remain Permits, 2 unknown relatives
24	Cable Private #2	27	2	25	20 Remain Permits, 5 unknown whereabouts of relatives
34	Conner Private	14	0	14	14 Remain Permits
35	Welch Private #1	15	0	15	15 Remain Permits
36	Cook Private	1	1	0	
38	Stiles Private	6	0	6	6 Remain Permits
46	Lower Noland Public	12	0	12	12 Remain Permits
47	Upper Noland Public	28	0	28	28 Remain Permits
48	Wiggins Private	3	0	3	3 Remain Permits
49	Hoyle Private	4	0	4	4 Remain Permits
50	Bradshaw Public	17	0	17	17 Remain Permits
R-18	Posey Private	5	-	-	5 Reinterred at this isolated location at relative request
1	Eagle Creek	1			
	Mining Property	2			

Total number of graves: 1,419 + 5 in R-18
Total number of graves moved: 612
Total number of graves left in place: 807 plus 5 in R-18 plus 1 in R-22(#18)
Total number of remain agreements: 736 plus 5 in R-18 plus 1 in R-22 (#18)

Calhoun land on Hazel Creek 1


CEMETERY
INDEX MAP
FONTANA PROJEC
LOCATION MAP
LEGEND
AFFECTED C
REINTERRED C
ERY
TENNESSEE
NORTH CAROLINA
GREAT SMOKY MOUNTAINS NATIONAL PARK
NANTAHALA NATIONAL FOREST
SWAIN
MACON
R-1
R-2
R-4
R-9
R-11
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Senator WALLOP. Thank you, Ms. Kirkland. Thank you all very much. I'm glad you're in town, and I appreciate your presence.

The next, panel No. 4, Ron Tipton, Wilderness Society; Denny Shaffer, national president, Sierra Club; Destry Jarvis, National Parks and Conservation Association; William Skelton, Dean Stone, editor of Maryville Alcoa Daily Times; and Ray Payne, chairman, Great Smokies Park Wilderness Advocates.

Mr. Tipton.

STATEMENT OF RONALD J. TIPTON, THE WILDERNESS SOCIETY

Mr. TIPTON. Mr. Chairman, I'd like to thank you for holding these hearings, both the hearings in Bryson City, which I attended, and the hearings here in Washington. We appreciate your interest in this bill.

Wilderness protection for the Great Smoky Mountains has been an important goal for our organization, the Wilderness Society, ever since the founding of the Wilderness Society.

We were founded literally by the side of the road in 1934, in the area of the Great Smoky Mountains National Park, in fact, because of our concern for road construction in the area.

In our judgment, the Smokies contain the greatest single repository of wilderness land in the Eastern United States.

I'm here today to testify and support Tennessee Senators Howard Baker and Jim Sasser's bill, S. 1947, to designate about 467,000 acres of the park as wilderness, which is the recommendation contained in the general management plan for the park, as approved in 1981.

Our organizations and conservationists across America commend these two Senators for their leadership on this issue.

We also want to express our appreciation to Governors Lamar Alexander of Tennessee and Jim Hunt of North Carolina for their strong support of the Baker-Sasser bill.

We are delighted that Congressman Clarke of North Carolina has joined Representatives Duncan, Quillen, and Gore of Tennessee to sponsor a House version of the Baker-Sasser bill.

It's evident that S. 1947 enjoys broad bipartisan support. For the first time in the history of the struggle to set aside wilderness in the Great Smokies, we have a compromise that has been reached which has the potential to both resolve the wilderness issue and compensate Swain County, NC, for the failure of the National Park Service to fulfill its agreement to construct the North Shore Road.

A broad coalition of groups and organizations support the approach of S. 1947. At the same time, as today's testimony indicates, an impressive array of Tennessee and North Carolina government entities, business interests and affected groups have endorsed the Baker-Sasser bill.

I want to underscore the fact that this broad support for S. 1947 will likely disappear if this committee either decides to authorize construction of the road, as called for in S. 2183, the Helms-East bill, or deletes from wilderness the 44,000 acre tract in the southern portion of the park transferred to the Park Service 40 years ago by TVA.

We're pleased that Senators Helms and East have supported designation of a substantial part of the park as wilderness, and we want to state that for the record.

The Park Service itself opposes construction of the road which the Helms-East bill would authorize, and is presently managing the entire acreage included in the Sasser-Baker bill as wilderness.

In effect, Mr. Chairman, we are simply asking this committee to ratify the status quo for the entire park.

I attended the field hearing on March 16. I am sympathetic personally to the concerns of the members of the North Shore Cemetery Association, who testified at that hearing and here today.

I do not believe that an access road to the cemeteries which are visited by them is necessary or justified, but I do support a conclusion of whatever legislative language is needed to assure the continuation of the current transportation service in the park.

[The prepared statement of Mr. Tipton follows:]

THE WILDERNESS SOCIETY

FOUNDED IN 1935

TESTIMONY OF RONALD J. TIPTON, THE WILDERNESS SOCIETY, ON S1947 AND S2183, LEGISLATION TO ESTABLISH A GREAT SMOKY MOUNTAINS WILDERNESS, MARCH 27, 1984.

Mr. Chairman and members of the Subcommittee, The Wilderness Society is pleased to offer its testimony on S1947, introduced by Senators Sasser and Baker, and S2183, the legislation offered by Senators Helms and East. Both bills would designate wilderness for much of the Great Smoky Mountains National Park.

Wilderness protection for the Great Smokies has been an important goal for the Wilderness Society ever since the 1964 Wilderness Act was enacted. In our judgment, the Smokies contain the greatest single repository of wilderness land in the eastern United States. At one time all of the southern Appalachian Mountains were like the Smokies are today, but now, outside of the park, the southern Appalachians are crisscrossed with roads and their forests have been largely timbered. In the Smokies, we have one place where virgin forests--some 200,000 acres--and a tremendous diversity of flora and fauna are now protected. In fact, ecologists tell us there are more species of native trees in the Smokies than there are in all of western Europe. Botanists call the Smokies the "cradle of vegetation" because no other area of comparable size in the nation is thought to have such an abundant variety of plant life.

1901 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006
(202) 828-6600

I am here today to testify in support of Tennessee Senators Howard Baker and Jim Sasser's bill (S1947) to designate about 467,000 acres of the park as wilderness. Our organization--and conservationists across America--commend these two Senators for their leadership on this issue. We also want to express our appreciation to Governors Lamar Alexander of Tennessee and Jim Hunt of North Carolina for their strong support of the Baker-Sasser Bill. And we are delighted that Congressman Clarke of North Carolina has joined with Rep. Duncan of Tennessee to sponsor the House version of the Baker-Sasser Bill.

It is evident that S1947 enjoys broad, bipartisan support. For the first time in the history of the struggle to set aside wilderness in the Great Smokies, a compromise has been reached which has the potential to both resolve the wilderness issue and to compensate Swain County, North Carolina for the failure of the National Park Service to fulfill its agreement to construct the North Shore road. A broad coalition of national, state and local conservation organizations support the approach S1947 takes in resolving these two issues. At the same time--as today's testimony indicates--an impressive array of Tennessee and North Carolina governmental entities, business interests and affected groups have endorsed the Baker-Sasser Bill.

I want to underscore the fact that this broad public support for S1947 will disappear if this Committee either decides to authorize construction of the road as called for in S2183, the Helms-East Bill, or deletes from wilderness the 44,000 acre tract in the southern portion of the park transferred to the Park Service 40 years ago by the Tennessee Valley Authority. While we are pleased that Senators Helms and East support designation of a substantial part of the park as wilderness, our organization believes no legislation is preferable to a bill which either mandates new road construction in the park or makes it possible for that to occur in the future. The Park Service itself opposes construction of the road which the Helms/East Bill would authorize, and is presently managing the entire acreage included in the Sasser/Baker Bill as wilderness. In effect, Mr. Chairman, we are simply asking this Committee to ratify the status quo.

I attended the field hearing held by this Subcommittee on March 16 in Bryson City. I am sympathetic to the concerns of the members of the North Shore Cemetery Association who testified at that hearing. I do not believe an access road to the cemeteries they visit is necessary or justified, but I do support inclusion of whatever legislative language is needed to assure the continuation of the current transportation service provided to cemetery visitors free of charge by the Park Service.

I had the opportunity last fall to accompany the Park Service on a typical trip to several of the North Shore cemeteries. The boat ride across Fontana Lake and the van trip to the cemeteries were relatively comfortable and pleasant and took less than an hour. I believe it is an acceptable method of transportation to the cemeteries. We support the continuation of this access arrangement as a legitimate exception to the normal application of the Wilderness Act.

We also believe, however, that the Park Service and the Congress must be primarily concerned with what is in the interests of the park visitor. More than 8.4 million visitors to the Great Smokies were recorded in 1983, making this the most heavily visited national park in the entire country. During the past five years, on the average, more than one-half million overnight visits occurred, and approximately 75,000 annual backcountry visitor days are logged each year. Compare these statistics to the less than 1000 annual visits to the North Shore cemeteries. I believe this is a strong argument for the greatest degree of possible protection for the park.

We support the amendments and the additional legislative language recommended to the committee by Rep. Clarke in his testimony. There is a great deal of confusion and misunderstanding about the possible effect of wilderness designation on the use of motorboats on Fontana Lake; on the operation of U.S. Highway 441 through the Park; and on the ability of the Cherokee Indians to continue their current access to and use of the park. In our judgment, it is clear that wilderness designation will have no effect on any of these activities. Because of the misunderstandings which now exist, however, we support appropriate legislative language which makes the record clear on this subject.

We also recommend that the Committee adopt the language of H.R. 3587 regarding the proposed payment of the $9.5 million to Swain County. The language in this legislation, sponsored by Rep. Clarke, would result in the immediate payment of the $9.5 million from the U.S. Treasury once the bill is signed into law. This is much better than requiring Swain County to wait for separate action by the Appropriations Committee before it receives the money it fully deserves.

Finally, we have two specific recommendations for report language to accompany the bill. First, we request the Committee consider adopting language which assures that the Parsons Branch road into Cades Cove on the Tennessee side of the park is maintained in its current condition, and not upgraded to a major park road. The Parsons Branch road is not within the boundaries of the proposed wilderness, and we are not opposed to its current level of use. We believe it is important to make certain it is not converted into a major trans-mountain highway.

We also request the Committee to specify in its report that the proposed Benton McKaye Trail from norther Georgia to the Great Smokies is compatible with the wilderness designation. This approximately 230 mile trail is to begin at Springer Mountain Georgia, the starting point for the Appalachian Trail and terminate in the Park. Much of the route in Georgia is already constructed; it is important that wilderness status for the park not interfere with plans for the Benton McKaye Trail. We believe they are mutually compatible.

We urge the Committee to report out wilderness legislation for the Great Smoky Mountains National Park as quickly as possible. What better way for Congress to celebrate the 50th Anniversary of the nation's most popular national park than by passing a Great Smoky Mountains Wilderness Bill?

Senator **Wallop**. Thank you, Mr. Tipton.

Mr. Shaffer.

STATEMENT OF DENNY SHAFFER, PRESIDENT, THE SIERRA CLUB

Mr. **Shaffer**. Thank you, Mr. Chairman, for the opportunity of testifying here today.

I am Denny Shaffer, president of the Sierra Club. I'm a 30-year resident of Fayetteville, NC, where I have been a businessman for that period of time, not from Washington, DC, as the agenda indicates.

Prior to that 30 years, I was a 2-year resident of Blount County, TN, when I was in the Air Force and served there.

I have gained some extensive knowledge of the park over that 32-year period of time.

I was elected by the membership of the Sierra Club to its board of directors, been there 7 years, president 2 years.

The Sierra Club supports S. 1947. S. 1947 is a compromise of the interests of the conservation community and Swain County, NC.

The compromise has two basic parts. The first is the recognition that conservationists across the country are opposed to further roadbuilding on the north shore of Fontana Lake.

We believe that both the politics and the environmental protection laws prevent the building of such a road.

The second is the recognition that if the road cannot be built, then Swain County, NC, is entitled to something as a substitute for the road it cannot have.

The Sierra Club gives the full weight of its support to the financial settlement S. 1947 would substitute for the obligation to build the road.

We support both the payment of the $9.5 million, and the forgiveness of the loan of the new Bryson City High School.

We further will support any amendment that combines the authorization and appropriation process to speed this financial payment.

This is a compromise. Swain County is giving up the road for payment. There would be no compromise if Swain County got its financial relief and got a road also.

We oppose, as we have for years, further roadbuilding on the north shore of Fontana Lake, and will not support a compromise that includes any road built there.

Just as important, the Sierra Club supports designation of the 467,000 acres as a Great Smoky Mountain Wilderness. The compromise of the road controversy now makes it possible for the wilderness designation to proceed.

The 467,000-acre wilderness is the minimum acceptable to us. And we respectfully insist the 44,000-acre tract acquired from TVA be included. We would work actively against any bill that simply drops that acreage. That tract is no different in appearance or in any other way from the wilderness around it.

Director Dickenson said today, in fact, that it's highest and best use is wilderness. He's correct. We would urge, in the strongest terms, that it be included.

At 467,000 acres, the Great Smoky Mountains Wilderness will be the largest mountain wilderness in the Eastern United States. It will afford the highest wilderness qualities of solitude and opportunity for primitive recreation.

As an international biosphere reserve, the Smoky Mountains Park is already recognized as an unparalleled outdoor scientific laboratory.

Wilderness designation is important to preserve it as it now is. Thank you, Mr. Chairman.

[The prepared statement of Mr. Shaffer follows:]

STATEMENT OF THE SIERRA CLUB

DELIVERED BY

DENNY SHAFFER

of FAYETTEVILLE, NORTH CAROLINA

PRESIDENT

OF THE SIERRA CLUB

The Sierra Club endorses S. 1947, and urges the Senate to pass it. A copy of the Resolution of the Sierra Club Board of Directors, adopted February 4, 1984, is attached.

We support strongly the designation of 467,000 acres as the Great Smoky Mountains Wilderness. We could not support a Wilderness of lesser size in the Great Smoky Mountains National Park.

At the same time, the Sierra Club supports the provisions of the S. 1947 which would end the 1943 road contract controversy by a payment of $9.5 million to Swain County, North Carolina, and the forgiveness of a debt on its new high school.

The Sierra Club is adamantly opposed to the construction of any road along the north shore of Fontana Lake, modern or primitive, gated or ungated. We support the right of access to cemeteries on the north shore by the means now furnished by the National Park Service.

S. 1947 embodies a compromise between conservationists and the parties to the 1943 road agreement, particularly Swain County, North Carolina. Since 1966, when field hearings were first conducted, conservationists have been urging wilderness designation of a major portion of the Great Smoky Mountains National Park. For as many years elected officials and citizens of Swain County have been seeking performance of the 1943 Agreement. It has been long apparent that the two issues were intertwined and must be resolved together.

HISTORY OF THE 1943 AGREEMENT

The 1943 Agreement had as parties TVA, The Department of the Interior, Swain County, North Carolina and the State of North Carolina. These parties agreed that TVA would acquire 44,000 acres of land within the originally contemplated park boundary, but for which acquisition funds had been unavailable, and would donate that land to the Department of the Interior for inclusion in the Great Smoky Mountains National Park. The Department of the Interior, as payment for this land, agreed to discharge the obligation of TVA to compensate Swain County and the State of North Carolina for a road which was being flooded by Fontana Dam, then under construction by TVA. The compensation was to take the form of a replacement road to be built by Interior along the north shore of Fontana Lake. The contract provided, however, that the obligation to build the road was contingent, using this language:

> "The obligation of the Department (of the Interior) to construct or provide for the construction of a park road as defined in section 4 shall be subject to and contingent in all respects upon the appropriation by Congress of all funds necessary for such construction, and failure on the part of Congress for any reason to make such appropriations shall not constitute a breach or violation of this Agreement by the Department or any other party hereto."

It was contemplated that the road would be built after the end of World War II, there being neither materials or manpower available for it in 1943. After the war Congress did appropriate some money for short segments of the road, and some work was done at each end. However, progress was very slow.

In 1968 George Hartzog, then Director of the National Park Service, made a new proposal to satisfy the obligation of Interior by substituting a trans-mountain road from Bryson City, North Carolina to Townsend, Tennessee. Violent opposition by conservation groups prevented this proposal being carried through.

COMPROMISE NEGOTIATIONS

The road issue then rested until the early 1970's when Sierra Club volunteers approached the Swain County Commissioners, in an effort to open a dialogue. As soon as it appeared there was a potential for productive discussions, the Governor of North Carolina agreed to sponsor them.

A series of meetings was then held over a period of years. Those who participated were the Swain County Commissioners, representatives of the National Park Service, TVA, and the State of North Carolina. These were all representatives of the parties to the original 1943 road contract. Significantly, two representatives from the conservation community were invited to join the discussions. This was done in recognition of the fact that conservationists would have great influence in the success or failure of any plan the meetings might produce, and therefore they should help shape the plan. H. Ray Payne of Knoxville, of the Smoky Mountains Hiking Club, and Theodore A. Snyder, Jr., of the Sierra Club (President of the Sierra Club, 1978-1980) were these delegates.

At the meetings many proposals were put forward and considered. Among those discussed were various road routings, including the original north shore route, the trans-mountain route, and routes converting the existing segments into loop roads.

Finally, from these discussions, two elemental principals emerged. These were:

1. The conservation community was unalterably opposed to any further road construction in the park along the route of the proposed north shore road, or along the route of the proposed trans-mountain road. It was accepted that the conservation community had the ability to prevent any further construction of the road on either of these routes.

This view was supported by the provisions of the National Environmental Policy Act (42 U.S.C. 4321 et seq., Public Law 91-190). Particularly significant was the knowledge that the Anakeesta Formation had been struck by the short segment of the road previously built, and acid leaching from it had caused severe environmental damage. Furthermore, it was believed that no road invading a previously unroaded tract could pass environmental muster.

This view was also supported by the knowledge that the political influence of the conservation interests, which had been strong enough to stop the trans-mountain road proposal, was likely strong enough to stop any other road building proposals.

2. It was clear that Swain County, North Carolina had a right to relief under the terms of the 1943 Agreement. Since the promise of

the Department of the Interior was contingent on appropriations by Congress, there was no strictly legal right enforceable by Swain County against Interior.

However the concept of substituated performance is one firmly embedded in contract law. One substitute performance had already been proposed in the form of a trans-mountain road from Bryson City to Townsend, Tennessee. Accordingly the persons involved in the discussions turned their attention to other possible substitute performances that might be acceptable to Swain County.

Ultimately a twelve-point package of performances was developed and agreed to. The Agreement included agreement by the conservation representatives. An essential point in this Agreement was the payment of a lump sum of money to Swain County. A number of the points agreed upon were put into effect at once.

The amount of the lump sum payment was not discussed at these meetings. The conservation community agreed to support whatever amount that the contracting parties could agree to. At one point the discussion group met in Washington, D.C. with Nathaniel Reed, then Assistant Secretary of the Interior. He was able to agree on all the points. When the question of the amount of money needed for the lump sum was raised, the initial claim of Swain County was so high it was rejected out-of-hand. There the issue rested for a period of months.

About 1979 Cecil D. Andrus, then Secretary of the Interior appointed a committee of representatives of the contract parties to meet anew to consider a settlement of the controversy. The committee held a number of meetings and ultimately agreed again on the same 12-point settlement proposal. This committee then took the second step of negotiating a sum of money to be paid as the substitute performance.

A formula was worked out which yielded the sum of 9.5 million dollars as appropriate lump sum compensation. The formula was based on a calculation of the 1940 cost of building the road, with compound interest on that sum at 5 percent per annum.

The parties also agreed upon forgiveness of a loan to Farmer's Home Administration on the new Bryson City High School.

While the Department of the Interior had no authority to pay these sums, in 1980 Cecil D. Andrus pledged it to support congressional initiative for appropriations of these sums.

FINANCIAL RELIEF FOR SWAIN COUNTY

The Sierra Club supports the provisions of S. 1947 for financial relief to Swain County, North Carolina. It supports the payment of a lump sum of $9.5 million, with the terms as spelled out in the bill. It supports the relief of Swain County from liability to finish paying the loan to the Farmers Home Administration on the new Bryson City High School.

The Sierra Club supports these two items of financial relief in the sense in which they were developed. They are a substitute performance for the obligation of the Department of the Interior to build a road on the north shore of Fontana Lake.

The Sierra Club supports the financial relief because it is a substitute for a road. The Sierra Club cannot and will not support any form of bill that allows a road to be built in addition to the financial relief. The financial relief must be a complete and exclusive substitute for any further road building.

CEMETERY ACCESS

The Sierra Club believes that the access now provided to cemeteries on the north shore of Fontana Lake is adequate.

The National Park Service now provides boat service across Fontana Lake for cemetery visitors. Inside the park it provides motorized and motor drawn transportation on administrative roads to the major cemeteries.

We support appropriate language in the pending bill, if that is deemed necessary to assure such access permanently.

Access as it now is provided was one of the points of the 12-point agreement reached in 1980. Neither that agreement nor any discussions have contemplated road access along the north shore of Fontana Lake to the cemeteries.

When TVA acquired the 44,000 acres of land near Bryson City, it was acutely aware of the cemetery problem. It established a new cemetery at Lauada to which graves in the Fontana lakesite were removed. It offered this option to families interested in some 21 cemeteries in the 44,000 acres area. One of these was removed to Lauada at the request of the relatives. The relatives of the families in the other twenty cemeteries signed Agreements rejecting removal, with the express caution written in them that after the filling of Fontana Lake they would be "isolated". TVA made it clear no road access would be provided by it unless the cemeteries were moved.

The 1943 Agreement does not mention cemeteries or cemetery access at all.

Most of the twenty remaining cemeteries are not visited or attended by the descendants of the persons buried there.

Recently a number of persons claiming to have an interest in the cemeteries filed suit in United States District Court seeking to establish rights of motor access. The United States District Court, on 10 November 1983, entered an Order holding these people had no legal right to motorized access to the cemeteries, and no right to enforce performance of the 1943 Agreement. See Helen Vance, et al. v. Tennessee Valley Authority, et al., U.S. District Court for the Western District of North Carolina, Bryson City Division, Case no. B-C-83-172.

A road cannot be built along the north shore of Fontana Lake to these cemeteries without causing enormous environmental damage. The Anakeesta Formation is certain to be encountered again, with resulting severe acid leaching. The topography is precipitous, and even the narrowest road would require massive cuts and fills; a vast amount of disturbance of the natural soil. No investigation has been made to determine what endangered plants may lie in its path.

Perhaps the greatest damage would be done to the intangible wilderness value through which such a road must cut and slash. Along the north shore the forest now comes down to the lake waters, in an unbroken expanse of natural forest from the crest of the Smokies. It would violate the integrity of a great tract of wilderness to have a road gouged out of it. Nothing destroys the sense of being at one with nature than to come across an obtruding road. It is not even necessary to mention that one cannot have a wilderness experience by walking down a road, yet we are told that any road here would have to displace an existing trail.

Worst of all though is the certain knowledge that a road, even a primitive road, is permanent. It would be a permanent intrusion into what should be a wilderness. A primitive road is only an entering wedge. Once any road is built, the pressure would immediately mount for widening, then paving, then straightening, and so on, endlessly, until the road became the chief feature of the landscape. We believe nature should be the chief feature of the landscape in the Great Smoky Mountains National Park.

The Sierra Club pledges its utmost effort, by all legitimate means, to prevent the construction of any road on the north shore of Fontana Lake, primitive or not, gated or not.

The free cemetery access across Fontan Lake, now provided by the National Park Service, is adequate and in keeping with the wilderness character of the park.

DESIGNATION OF A 467,000 ACRE WILDERNESS

The Sierra Club supports and strongly urges the designation of 467,000 acres as the Great Smoky Mountains Wilderness.

The Great Smoky Mountains National Park encompasses the largest and highest mountain wilderness in the eastern United States. The great expanse of the park is broken but once in a significant way, that is by the Newfound Gap Road, U.S. 441. On either side of that road lie huge tracts of mountain fastnesses.

The steep and heavily forested slopes hold out the wilderness promise of solitude and opportunity for primitive and unconfined recreation. Pure water gushes from its streams.

One-third of this mountain wilderness is virgin forest. The remainder has been undisturbed now for 50 years, with little exception. In that time it has recovered markedly. Today it generally appears to have been primarily affected by the forces of nature. The marks of man's prior use have been largely smoothed over and are being erased. In many of the remote valleys the regrowth has been remarkable. To the ordinary observer this is the primeval forest.

A good system of trails invites recreation of a primitive type. The user is enticed to exercise his or her abilities to live in harmony with nature.

The portion of the park lying north of Fontana Lake, including the 44,000 acre TVA tract is exceptional in terms of wilderness qualities.

The lake has shielded this area from heavy use by restricting access to watercraft. No roads intrude into it. Here the visitor can hike for several days without reaching a roadhead or major access point. Other visitors are few, and the presence of nature is overwhelming.

The designation of the park as an International Biosphere Reserve is a testament to its unique nature as an outdoor laboratory. Here is a tract of land of sufficient size to allow the complete interaction of plants and animals. The relatively undisturbed nature of the land allows for study of native plants and animals in their original environment. Because of the topography, the effects of altitude on distribution and interactions can be studied, as well as relationships of species living side-by-side. Everything possible should be done to maintain and preserve these natural, undisturbed conditions. Inclusion of the 44,000 acre TVA tract in wilderness is an essential part of protecting this area for science.

Animals as well as plants will benefit from the designation of a 467,000 acre wilderness. It is well known that Black Bear require an extensive range of unbroken territory for habitat. It is suggested that the minimum is 20,000 acres per animal.

The endangered eastern Cougar requires an even greater range. Protection of the Cougar has been especially difficult since destruction of the American Chestnut forest, and the animals dependent on it, a major part of the Cougar's food supply. Today the Cougar must range over a much vaster territory to sustain itself. Only in a place such as the proposed Great Smoky Mountains Wilderness can this Cougar find a hospitable range.

The designation of 467,000 acres as wilderness is strongly supported by the Sierra Club. However, we view this as a minimum. The club could not and would not support a bill with less acreage, one that omitted the 44,000 acre TVA tract, for example. While there has been considerable talk of deleting this tract, we can perceive no way in which it differs from the proposed wilderness surrounding it. Nor is there any logical explanation why it should be omitted. In every respect it is an integral part of the proposed wilderness. Our support for the Great Smoky Mountain Wilderness is predicated on its inclusion in the area designated as wilderness.

PARSONS BRANCH ROAD

The Sierra Club urges that the Parsons Branch Road be closed and the corridor reserved for it be included in the area designated as wilderness.

This one-way dirt road separates a major segment at the western end of the park from the greater southwestern segment. There should be no separation.

The road occurs along a major line of transition from wet forest to a dry, upland type of forest. The road interferes with the processes of nature in this critical zone.

This road is lightly used, and is closed six months of the year. There is little justification for keeping it open.

SUMMARY

The Sierra Club supports designation of 467,000 acres as the Great Smoky Mountain Wilderness.

It opposes any effort to remove 44,000 acres from the proposed wilderness area, and it opposes any effort to build any road along the north shore of Fontana Lake. It will actively oppose both by all means available to it.

The Sierra Club supports the payment of $9.5 million to Swain County and the release of its debt on the Bryson City High School. It will support any amendments that combine the authorization and appropriation process for this financial relief. The club regards this as a substitute performance of the 1943 Agreement, which is a complete and final satisfaction. The Sierra Club will not support any bill which combines a financial settlement and road construction.

The Parsons Branch Road should be closed and its corridor included in the wilderness.

27 March 1984 Respectfully submitted,

Denny Shaffer
President of the Sierra Club

SIERRA
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GREAT SMOKY MOUNTAINS WILDERNESS ACT

The Sierra Club endorses the companion bills introduced by Senators Sasser and Baker (S.1947) and Congressmen Duncan and Clarke (H.R.4262) to establish a 467,000 acre Great Smoky Mountains Wilderness.

In addition to establishing wilderness, these bills provide for settlement of the north shore road contract controversy by substituting a money satisfaction instead of a road through the Great Smoky Mountains National Park, and the Sierra Club supports this settlement.

The Sierra Club urges Congress to enact this legislation in 1984 in celebration of the 50th anniversary of the Great Smoky Mountains National Park.

Adopted by unanimous vote
of the Sierra Club Board of Directors
at Washington, D.C., 4 February 1984.

Sanford Tepfer

Sanford Tepfer
Secretary

"When we try to pick out anything by itself, we find it hitched to everything else in the universe." *John Muir*

Senator **Wallop**. Thank you, Mr. Shaffer.

Mr. Jarvis.

STATEMENT OF T. DESTRY JARVIS, VICE PRESIDENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. **Jarvis**. Thank you, Mr. Chairman, for the opportunity to testify today.

To keep this brief, in the interest of your time and that of the subsequent witnesses, I'll just summarize my statement with three quick points.

First, the designation of wilderness in the Great Smokies as provided in S. 1947 is simply a recognition, a statutory recognition, of the wonderfully diverse ecological resources, biological resources of the Great Smoky Mountains National Park, and a confirmation of the designation for management, which the area now enjoys a type 1, natural environment zone, it has been classified by the National Park Service and its current management. This statutory recognition ratifies that, and we believe is an appropriate continuation for existing management.

Second, others have claimed in the past that wilderness designation is in some way a lockup of the park's resources.

In contrast, I would point out that the Park Service's experience and that of other Federal agencies is that wilderness designation attracts visitors rather than scares them away.

Visitation normally increases following a wilderness designation.

Third, many points have been made regarding cost. And I would point out that the cost of a full environmental impact statement on a proposed road, should that be authorized, the EIS itself could cost as much as $500,000.

There are a number of environmental consequences if a road were to be constructed; among them, erosion, heavy metal pollution, invasion of exotic plant species, and, inevitably, increased opportunity for illegal poaching.

These would seriously disrupt the natural environment of Great Smoky Mountains National Park, which, according to the 1980 Park Service state of the park's report, is already among the top five most threatened parks in the system.

In conclusion, we hope that the committee will report affirmatively legislation to designate 90 percent of the Great Smoky Mountains National Park a statutory wilderness in recognition of its great value to the Nation and in furtherance of that protection.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Jarvis follows:]

STATEMENT OF T. DESTRY JARVIS
VICE PRESIDENT, NATIONAL PARKS AND CONSERVATION ASSOCIATION
before the
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
COMMITTEE ON ENERGY AND NATURAL RESOURCES
U.S. SENATE
ON S.1947 and S.2183
March 27, 1984

Mr. Chairman and other distinguished members of this Subcommittee, I am T. Destry Jarvis, Vice President of the National Parks and Conservation Association. For sixty-five years NPCA has been a defender and advocate of the natural and cultural resources of the National Park System. On behalf of our nearly 50,000 members and contributors nationwide, I appreciate this opportunity to testify before you today on S.1947 and S.2183, legislation to designate certain lands in Great Smoky Mountains National Park as part of the National Wilderness Preservation System.

NPCA has long been interested in achieving statutory recognition as wilderness for the wonderfully diverse biological resources of Great Smoky Mountains National Park. Our Association has been closely involved in the evolution of the various National Park Service proposals for wilderness in the park, from the inadequate piece-meal approach advocated in the 1960s to the suitable comprehensive proposal of the 1970s. It is this latter recommendation that provides the degree of recognition for the park's premier wilderness condition which we support, and which is embodied in S.1947 as offered by Senators Howard Baker and Jim Sasser of Tennessee.

National Parks & Conservation Association, 1701 Eighteenth Street, N.W., Washington, D.C. 20009
telephone (202) 265-2717

The Baker/Sasser bill has NPCA's full support. This bill would designate 467,000 acres of the park (approximately 90% of its total area) as wilderness. It would encompass vast areas of what is probably the world's finest example of temperate deciduous forest, helping to ensure the permanent protection of this unique ecological area.

On the contrary, NPCA is totally opposed to S.2183, legislation introduced by Senators Helms and East of North Carolina. By failing to designate wilderness in the North Shore area of the park (above Fontana Lake) and elsewhere, this bill eliminates approximately 67,000 acres of land that should be protected as wilderness and authorizes the construction of a road across several steep ridges in the North Shore area of the park. The road would cause serious environmental and aesthetic damage.

The sponsors of this legislation claim that the road is needed to provide access to approximately two dozen small cemeteries in the North Shore area of the park which became inaccessible by car when Fontana Lake was created by the Tennessee Valley Authority in 1943. However, the National Park Service provides transportation to and from the cemeteries by boat and four-wheel-drive van. About 1,000 people took advantage of this free service last year. Under the provisions of the Baker/Sasser bill, this service would be continued. Even though this service cost the National Park Service approximately $30,000 to operate last year, it would be more economical even in the long run than building and maintaining an access road. Moreover, it would be far less damaging to the park. A Park Service estimate for the cost of a full environmental impact statement alone ranges as high as $500,000 so the total price for the construction and maintenance of a new road may be astronomical when compared to the cost of the ferry service (and is certainly higher than the $950,000 authorized in the Helms/East bill).

Costs aside, the resource management problems that would be caused by the new road should be more than sufficient reason to abandon the idea. As a former NPCA Trustee commented on a 1977 proposal for additional road construction in the park, the building of the North Shore road would be "like destroying a church to create easier access and parking for worshippers' automobiles."

Specific resource management problems include:

•Erosion. The eastern 5.6 mile section of the original North Shore road that was constructed in the 1960s caused severe environmental damage. A National Park Service report (GSM DES/GMP, April, 1979) states: "Because of the mountainous topography and unstable geological base, landslides were frequent, and cut and fill heights were extremely large." The construction of any road, even a dirt road, in the North Shore area would cut across numerous steep hillsides, causing considerable problems of erosion and siltation of streams.

•Environmental Damage. The same Park Service document referred to above says: "Moreover, the route traversed the Anakeesta formation, exposing iron pyrite which produces sulfuric acid leachate and heavy metal pollution as runoff." When the Anakeesta formation was exposed by the construction of the Newfound Gap road, brook trout and other aquatic life were killed in nearby streams. Should the North Shore road expose more of this formation, additional water quality problems would be expected.

•Invasion of Exotic Plant Species. The park is already host to 288 species of non-native plants which have altered the park's natural plant communities. The National Park Service has undertaken major efforts to control the spread of exotic plants and much more is needed. However, spread of the exotics would be aided by road construction which would disturb the ground and remove the existing vegetative cover, providing new territory for the exotics. Seeds of exotic species could be carried in the mud on car tires where they would be released onto the seedbed made in the perpetually disturbed soil of the dirt road.

•Poaching. Inevitably, a new vehicular route into the park would bring with it a minority of people engaged in the illegal activity of poaching of park wildlife.

Natural resource managers at the Smokies already have their hands full. The National Park Service's 1980 State of the Parks Report provided documentation that showed that the Great Smokies is one of the most severely threatened parks, earning it the dubious distinction of being in the top 5% of total resource threats per park. The management headache that would ensue from the construction and opening of the North Shore road would compound the problems with which park resource managers are already struggling.

Since the National Park Service currently manages most of the park as a Type I Natural Environment Zone--treating it as if it were designated wilderness--the Helms/East bill would actually mean less protection for up to 67,000 acres of wilderness-quality parkland. This would be a serious blow to the long-term ecosystem monitoring program the park is supposed to provide as an International Biosphere Reserve. Biosphere Reserves are model ecological control areas dedicated under the UNESCO Man and Biosphere program.

The Baker/Sasser and Helms/East bills both would compensate Swain County, North Carolina with a cash settlement of $9.5 million to resolve the forty-year-old controversy surrounding the failure of the Department of the Interior to build a North Shore road. The Swain County Board of Commissioners has endorsed this payment and the Baker/Sasser bill as an equitable resolution of the controversy. The Baker/Sasser solution has also been endorsed by the Bryson City, North Carolina Board of Aldermen, the North Carolina National Park, Parkway and Forests Development Council. North Carolina Governor Hunt and the North Carolina Department of Natural Resources, and Tennessee Governor Alexander and the Tennessee Department of Conservation. NPCA also fully supports this settlement.

Yet the Helms/East bill, by providing the cash settlement and authorizing the construction of the road, is intent on both giving Swain County its cake and force-feeding it too.

The 1980 State of the Parks Report provides a good vantage from which to view the dilemma in which the Helms/East proposal puts us. The report shows that throughout the National Park System the natural and cultural resources of the national parks are seriously threatened by a tremendous variety of problems. Our national parks are losing ground; wilderness qualities diminish daily. To place additional parkland in the Great Smokies in jeopardy--under the guise of a wilderness bill, no less--is folly. Given a choice between no wilderness bill and the Helms/East bill, the members of the National Parks and Conservation Association would quickly and surely choose no bill. This would be a poor way to celebrate the 50th Anniversary of the creation of Great Smoky Mountains National Park.

NPCA supports the obvious alternative; passage of the Baker/Sasser bill in the Senate and the identical bill in the House, H.R.4262, sponsored by Representatives James Clarke of North Carolina and John Duncan of Tennessee. This legislation will provide permanent wilderness protection for 467,000 acres of the park.

Thank you for this opportunity to testify before you. I would be happy to answer any questions.

Senator WALLOP. Thank you, Mr. Jarvis.

Mr. Skelton.

STATEMENT OF WILLIAM H. SKELTON, WILDERNESS CHAIRPERSON, TENNESSEE CHAPTER OF THE SIERRA CLUB

Mr. SKELTON. Mr. Chairman, my name is Will Skelton. I'm from Knoxville, TN, and I'm wilderness chairperson for the Tennessee chapter of the Sierra Club. Mr. Shaffer testified as president of the Sierra Club.

The Great Smoky Mountains National Park is quite simply one of the most outstanding natural areas in the United States and, indeed, the world, by any standard that you might choose to use, whether acreage, scenic beauty, diversity, or visitation, or any other standard.

I have personally visited all of our national parks, except for a few of the new parks in Alaska. I've also spent some time in South America and Europe, the natural area in those places.

And I always come back to Knoxville, and to the Great Smoky Mountains National Park and realize that we have something just as good, just as special, and just as valuable in east Tennessee and western North Carolina. And I really urge you, and our members urge you to protect that in this year, 1984.

Now, there's been several things discussed in this hearing that I'd like to comment upon.

First is the problem of reserved rights, with regard to burial, roads, things like that that are clearly a matter of law. They are reserved.

The solution though, I think, is simply to designate this 44,000 acres and any other acreage as wilderness, subject to those rights.

You don't wipe out those rights. Indeed, unless you pay somebody, I don't guess you can wipe them out. But you can make it wilderness, subject to those rights.

I don't think that we ought to leave out 44,000 acres of the very best of the Great Smoky Mountains National Park simply because of some reserve rights that, according to testimony already this morning, have not been exercised in the last 30 years. They're pretty much rights that aren't going to be exercised. If they are, fine. But make it wilderness, subject to those rights. That would be my solution there.

Second, regarding the road that the cemetery association wants. I strongly feel, and would urge the cemetery association to think long and hard about a public access road, which is what this would have to be. I don't think they can ask for a road just for themselves.

I would ask them to look at the abuse of some of the other cemeteries where you have public access roads; litering, defacing, crowds, that kind of thing. I have seen the cemeteries where you have a road going right up to them. And, frankly, my ancestors are from east Tennessee and the mountains of the southern Appalachians, too. And, frankly, I don't think my ancestors would like that kind of thing happening to their cemetery. I think they would prefer the solitude that limited access brings rather than what public access would bring.

So I would urge the association to consider exactly what's going to happen if they do get this public access road.

Finally, the thing that always impresses me about the Great Smoky Mountains National Park is its tremendous national and international appeal as a natural resource.

Many of our Tennessee chapter members drive from west Tennessee, 7 hours or more, just for a weekend.

Senator Sasser has already said that 8 million-plus people a year come to the park. The hikers and backpackers you meet on the trails of the park, they can just as easily be from Idaho, New Mexico, Wisconsin, Canada, or another country as they are from Tennessee or North Carolina.

And, of course, all this interest in the park is not the result of roads or development. Roads will not improve this wilderness, buildings will not increase our enjoyment of it, development will not make it better. Let's leave it as it is. Let's let nature take care of it. Thank you.

[The prepared statement of Mr. Skelton follows:]

SIERRA CLUB - Tennessee Chapter

TESTIMONY OF WILLIAM H. SKELTON ON MARCH 27, 1984, BEFORE THE UNITED STATES SENATE INTERIOR AND NATURAL RESOURCES COMMITTEE ON BEHALF OF THE TENNESSEE CHAPTER OF THE SIERRA CLUB REGARDING WILDERNESS DESIGNATION OF PORTIONS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK

My name is William H. Skelton; I am from Knoxville, Tennessee; and I am the Wilderness Chairperson for the Tennessee Chapter of the Sierra Club. Our two thousand plus members from throughout the state of Tennessee strongly urge this Committee to approve and this Congress to enact legislation in 1984 protecting a minimum of approximately 467,000 acres of the Smokies. More specifically, we urge you to enact S.1947, with the minor modifications suggested by the Great Smokies Park Wilderness Advocates, of which we are a member.

The Great Smoky Mountains National Park is, quite simply, one of the most outstanding natural areas in the United States and, indeed, the world, by any standard one chooses to use, whether acreage, scenic beauty, diversity or visitation. I have personally visited all of our national parks except for a few of the new Alaskan Parks and have also spent some time in the natural areas of South America and Europe; however, I always come back home with the realization that we have something just as good in

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the Great Smoky Mountains National Park. This national resource should be preserved and protected in 1984.

The portion of the Great Smoky Mountains National Park included in the Baker-Sasser Bill has been and is being managed as wilderness, since such acreage is designated "Natural Environment--Type I" under the Master Plan for the Park. Accordingly, the current management of the Smokies, which most visitors seem to approve, will continue. The idea of changing current management and of constructing a new road or roads to a few cemeteries, as proposed by Senator Helms, is simply not realistic nor appropriate. No one opposes such access, and access is provided for in the Baker-Sasser Bill by the means presently used; however, we do oppose such access by a new road which will, first, destroy a part of the largest, contiguous wilderness tract in the Park, and, second, will create additional appropriation problems. The payment of ten million dollars to Swain County is supposed to, and should, resolve all controversies regarding roads on the north shore of Fontana Lake. Getting an appropriation of ten million dollars in these times, with the deficit this Congress is looking at, will be hard enough. Why not, therefore, work together to get the two key elements of the Smokies wilderness legislation--wilderness designation of 467,000 acres and a ten million dollar appropriation for Swain County--and avoid complications such as additional roads?

I am always impressed by the truly national and international appeal of the Smokies as a natural resource. Many of our Tennessee Chapter members drive seven hours or more from West Tennessee for a weekend in the Smokies. Eight million plus visitors make this our most visited national park. Obviously, all of those visitors do not come from Tennessee and North Carolina. The hikers and backpackers one meets on the trails of the Smokies may just as well be from Idaho, New Mexico, Wisconsin, Canada, or another country, as from Tennessee. This interest is not the result of roads or of development of the Smokies. Instead, these people come to see one of the best creations of Nature. Roads will not improve this wilderness; buildings will not increase our enjoyment of it; development will not make it better. Nature has done a pretty good job with our wilderness--let's leave any changes to natural processes. Wilderness designation will accomplish that result.

Thank you.

William H. Skelton, Chairperson
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Senator WALLOP. Thank you, Mr. Skelton.
Mr. Stone.

STATEMENT OF H. DEAN STONE, EDITOR, MARYVILLE-ALCOA DAILY TIMES, MARYVILLE, TN

Mr. STONE. In the interest of time, I'm going to leave my statement on record, but I'd like to just address some of the points I feel like have become very pertinent this morning.

I'm here on behalf of the Baker-Sasser bill. I feel like it does some things that need to be done. There's been a lot of questions that have arisen here this morning, and I couldn't help but think there's 138 cemeteries inside the Great Smoky Mountains National Park. No one's bothered to say that.

A lot of them are in Blount County and other sections of the park, too. And the people there have burial rights and have other rights. This is a very complex problem. So we can't solve all that in a day.

I would like to say this. I am wholeheartedly in favor of protecting the visitation rights of the people from Swain County to the cemeteries on the other side of the mountain. This needs to be continued at a better level, if possible, of comfort, and in a better way.

Another thing is, and I guess part of the whole thing here this morning is the fact that a lot of us maybe have lost faith in our Government. I thought the days of Indian treaties and looking back, ignoring whatever we sign, went out with the last century, but obviously it didn't. We had it in 1943 when the Federal Government made its agreement with Swain County. And I think it is ridiculous that this has dragged on and on and on, and we need to resolve that. That, perhaps, needs to be the first priority.

I understand your feeling about it, but I also think that the indication that we want this as a wilderness area is very important, to protect it.

I was very concerned that the Director of the National Park Service gets up here this morning and tells this group, and tells you in his testimony, that he's in favor of 76,500 fewer acres being wilderness than is actually in the wilderness down there now by his own administrative plan.

Now who do you trust? You know? A lot of us compromised to come where we are, as other people have said.

One time I supported very strongly a transmountain road, a second transmountain road. I really do not believe that's in the best interest of the Great Smoky Mountains National Park under any conditions. I just have come to that conclusion. And I don't really believe that these other roads are either.

I think there are other ways of enjoying and appreciating these mountains without causing the problems that will cause.

But every time somebody's running for office, or every time we get a new Director of the National Park Service, we can't change our outlook.

We hammered out a long time to get this plan, the management plan that's in use in the Smokies. The people of North Carolina, people of Tennessee, people from outside the area, national organizations, came up with the master plan that's in use for the administration of this park. And if we're going to kick it around like the Director of the National Park Service did this morning, we might as well not have any laws or plans either one. And I think that's part of our problem. And I think that's one of the reasons some would like to see that in wilderness. We feel like the law would give us a little bit more permanent protection of what you're going to do with it, you're not going to change overnight the use of that land. And I think that's a very pertinent part. Thank you.

[The prepared statement of Mr. Stone follows:]

The Daily Times

P.O. BOX 568, MARYVILLE, TENNESSEE 37803-0568, (615)981-1100

Testimony of H. Dean Stone before the United States Senate Energy and Natural Resources Subcommittee on Public Lands and Reserved Waters on Tuesday, March 27, 1984.

I am editor of The Maryville-Alcoa Daily Times which is the invited guest in 85 percent of the households in Blount County, Tennessee. Approximately 30 percent of the area of Blount County is located within Great Smoky Mountains National Park.

A native of Blount County, I have spent my entire 59 years there except for time out of state while in college and overseas while in the military service in World War II. A professional photographer and lover of the Smokies since childhood, I have spent many of my leisure hours enjoying the beauty of our mountains.

I would not presume to represent all the people of Blount County, much less the entire Smokies area, but I do have a good first hand knowledge of the opinions of many of the residents which has led me to some conclusions regarding the establishment by law of a wilderness area within the park.

There is not a strong general feeling for or against establishment by law of a wilderness area within Great Smoky Mountains National Park. However, I feel that it would be wise to establish such an area in order to grant more stability to the administration of the park than is provided merely by an administrative plan determining the use made of the park. It will be far more difficult to be shifting uses back and forth and there will be more continuity in management of the park if a wilderness area is established by law.

While many of us as individuals have sought either more liberal or more stringent uses for the park, the present administrative use plan developed as part of the master development and management plan for the Smokies meets the desires and needs of most of the residents of the Smokies area and provides adequate protection for the Smokies.

The use plan for the Smokies which is now enforced by administrative policy of the National Park Service was hammered out after many months of public hearings and meetings on various aspects of use and management of the park with many residents of the region participating. While it is agreeable to most of the residents of the area and national organizations who have shown an interest and participated in establishing the policy, to change the plan very much in either direction would cause considerable concern and dissatisfaction among those who supported major aspects of management.

We feel the program already in place is a good one and should become law as proposed in the Baker-Sasser Bill now before this body. It would place 467,000 acres or 88.6 percent of the park into wilderness area.

Very importantly it would also permit the continued use of such areas as Cades Cove, a historic open area; Cataloochee; Sugarlands Visitor Center; the U. S. 441 transmountain road from Gatlinburg to Cherokee, N. C.; Mount LeConte Lodge; Clingmans Dome Tower and Road, and the one-way roads such as Heintooga - Round Bottom, Parsons Branch, and Rich Mountain. While we would not want any of these one-way roads to be made into wider, two-way, heavy use roads, neither would we want them to be closed at some future date, denying many persons unable to hike an opportunity to see some of the back country.

It is also very important that the effort to preserve the azaleas and rhododenron on at least two of the unique balds - Gregory's and Andrews - be continued. They are one of the sights for which the Smokies are best known. The bill also assures the continuation of an administrative policy of providing transportation across Fontana Lake and to the isolated cemeteries of the park for the relatives of those who are buried in the park, their relatives having chosen to leave them in their place of burial. And the bill would continue the present practice of keeping these cemeteries cleared which is a must.

While the $9.5 million cash settlement of the 1943 agreement between the federal government and Swain County probably is inadequate, based on the settlement of other federal treaties with the Indians and agreements of this type, it is realistically as good as one is apt to get out of the federal government. We understand it is acceptable to the officials of our adjoining county (Swain) in North Carolina and therefore is generally acceptable.

It is our opinion that all of the North Shore area should be placed in wilderness area and that the proposed 19.5-mile, 10-foot wide road to provide limited access to the cemeteries should not be considered. Studies by the National Park Service several years ago indicate that a second transmountain road from Bryson City, N. C., to Townsend, Tenn., could be built with less environmental damage and serve a much greater need than a North Shore Road. If a new road is to be built it should be the Bryson City-to-Townsend Road but we sincerely feel that in the best interest of preservation of the park neither road should be built.

The wide support of the Baker-Sasser Bill is evident in that the representatives of the major Congressional Districts involved - Rep. John Duncan (Republican) of Tennessee's Second Congressional District and Rep. James McClure Clarke (Democrat) of North Carolina's 11th Congressional District - have introduced the companion bill in the House. Both political parties are represented in the authorship of the Baker-Sasser Bill in the Senate. Gov. Lamar Alexander (Republican) of Tennessee and Gov. James B. Hunt Jr. (Democrat) of North Carolina support the Baker-Sasser Bill as do the Tennessee National Park Commission and its counterpart, the North Carolina National Park, Parkway and Forest Development Council.

Seldom can one find such a mass of diversified support for a controversial action, support which crosses not only party lines but state lines.

Nothing would be more fitting than to have the Baker-Sasser Bill passed this June 15 on the 50th Anniversary of Great Smoky Mountains National Park.

Senator WALLOP. Thank you, Mr. Stone.
Mr. Payne.

STATEMENT OF RAY PAYNE, CHAIRMAN, GREAT SMOKIES PARK WILDERNESS ADVOCATES

Mr. PAYNE. I'm Ray Payne of Knoxville, TN. I'm here to speak for the Great Smokies Park Wilderness Advocates.

This is an ad hoc coalition of Tennessee and North Carolina conservation organizations, which was established purely for the purpose of designating or working for the designation of wilderness in the Great Smoky Mountains National Park.

We consider the road construction, the construction of even primitive roads to be the nemesis of this and many other outstanding natural areas.

Some members of this coalition have been leaders in the opposition to road construction in this park since 1965.

In 1975, we prepared a draft bill for the Smokies Wilderness and sought the introduction and passage in Congress; but, unfortunately, the Congress did not choose to act on the bills that Senator Sasser introduced for us in 1977 and 1981.

Our members have also participated in the management plan, to the extent that citizen groups were allowed to participate.

This plan, of course, designated 467,000 acres as natural environment type 1, and that is the area which clearly qualifies for wilderness designation.

We firmly support the inclusion of this entire area in the national wilderness system as a minimum.

I have hiked throughout this park, and have done a great deal of hiking in that area north of Fontana Reservoir, and it clearly qualifies for wilderness.

Forty years in this area, in the Southeast, where the climate is mild, and the rainfall is good, it makes a world of difference on the recovery of an area that has been formerly lived in. And the area in Tennessee and North Carolina were both lived in, but they have made excellent recovery.

The park has a good road system and good access from this road, but there is constantly pressure being placed on the Park Service to build more roads. And the Park Service also has a propensity to yield to this pressure, when appropriate pressure is applied to them.

For that reason, we feel that the 44,000 acres north of Fontana Lake, as well as the other remaining portion of the 467,000 acres, must be included into the wilderness system.

There are some small tracts scattered about the park which are designated as natural environment type 2. Some of these are small undeveloped tracts, others are administrative road corridors; small, one-lane gravel roads. A number of these, not all of them, but a number of these should be included in the wilderness system.

And I have prepared a map[1] which I have marked up, I feel, appropriately, and which I have attached to my statement here, which clearly defines all the small areas that we feel should be added to assure the future protection of these areas from roadbuilding and other types of undesirable development, which we feel could happen somewhere down the road—not next year, maybe not in 5 years, but many years down the road we could develop some serious controversies over some of the developments that could occur in these areas.

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[1] The map was retained in subcommittee files.

One road corridor in particular, it's a seasonally opened, one-way gravel road that we feel should have been included in the wilderness system as a trail and as an administrative road. Well, it's covered in my statement. I see that my time has run out.

I would like to give my statement to the committee for their consideration.

[The prepared statement of Mr. Payne follows:]

GREAT SMOKIES PARK WILDERNESS ADVOCATES

Ray Payne, Chairman
836 Roderick Road
Knoxville, Tennessee 37923

I'm Ray Payne of Knoxville, Tennessee and I'm here to speak for the Great Smokies Park Wilderness Advocates. This is an ad hoc coalition of Tennessee, North Carolina and national conservation organizations. This coalistion was initially organized in 1975 with a single goal in mind. That goal was and still is to work for the enactment of legislation that designates the qualifying area of the Smokies as wilderness placing it under the protection of the 1964 Wilderness Act. I have served as chairman of the Wilderness Advocates since 1975 and alghough speaking on behalf of this coalition, several members of the coalition have representatives here today to speak for their own organization.

We consider road construction, even primitive roads, to be the nemesis of this and many other outstanding natural areas. Some members of this coalition have been leaders in the opposition to road construction in this park since 1965.

Starting in 1975, members of the Wilderness Advocates prepared a draft bill for the designation of a Great Smoky Mountains Wilderness and sought help from the members of Congress from Tennessee and North Carolina to get this legislation enacted. In 1977 and again in 1981, Senator Sasser of Tennessee introduced our bill in the Senate. Unfortunately, the Congress chose not to act on these bills.

When the National Park Service began preparing the general management plan in the late 70s, some members of the coalition were very much involved to the extent that private citizen groups were permitted to be involved. This plan classifies 467,000 acres as Natural Environment - Type 1 and is the area which S.1947 would designate as wilderness. We firmly support the inclusion of this entire area in the National Wilderness System as a minimum. I have hiked extensively throughout the park and have no doubts about the qualifications of this area for wilderness designation.

This park has a good road system that provides excellent access and opportunity to see its natural beauty from an automobile but unfortunately those who will not leave their automobiles to see the park are constantly advocating more and more roads. Because of this pressure on the National Park Service and the propensity of the NPS to yield to this pressure, some small additional areas need to be included in the wilderness system.

I want to comment on these small areas but first, let me point out that in east Tennessee and western North Carolina we have some of the finest of the Appalachian Mountains range including three national forests. Within the Tennessee and North Carolina portion of the Appalachian range which extends from Canada to Georgia and Alabama, we have thousands of miles of roads that provide unlimited opportunities for scenic driving. They range from interstate highway quality to the roughest off-road vehicle track.

The general management plan classifies areas in the park in several categories other than Natural Environment - Type 1. Among these are Natural Environment - Type 2 and Transportation Corridors. The Natural Environment-Type 2 areas are usually small and scattered. Most, but not all, of them are near the periphery of the park or originate at the periphery and extend into the park. Several of these short unpaved administrative roads and several others are small undeveloped tracts. The two largest of the undeveloped tracts are used by commercial horse stables operations and we do not advocate including them in the wilderness area. However, unpaved administrative roads may be included in the wilderness and still be used for administrative purposes which includes cemetery access. These and several of the undeveloped tracts should be included in the wilderness area for the future protection of these areas. Included as a part of this statementis a map marked to show which of the Natural Environment - Type 2 areas we believe should be included in the wilderness area.

The Transportation Corridors include all roads open to the public, paved and unpaved but also includes a small area on the eastern boundary where a usable road no longer exists. This small area between the old, unpaved Cataloochee Pike and the park boundary was at one time intended to be used to connect Cataloochee Cove to Interstate 40 via a new road. Because of stringent opposition to this, it was decided not to build the new road between the park boundary and Interstate 40. The existing road (old Cataloochee Pike) from I-40 through Cove Creek Gap and the newer paved road constructed inside the park in the 60s provides good access to Cataloochee Cove. Some minor improvements near Cove Creek Gap could probably be justified. The unused corridor area should be included in the wilderness. It is contiguous with the area proposed for inclusion in the wilderness by S.1947 and by the conservation organizations. This area is indicated on the map which I have prepared as a part of this statement.

One other Transportation Corridor which I want to comment on is a one-way, graveled road about 8 miles long, open on a seasonal basis, that is, during good weather. It is known as the Parsons Branch Road running southwest from Cades Cove to U.S. Highway 129. A two-way unpaved road (Forge Creek Road) extends about 2 miles southwest of the Cades Cove Loop road to the Gregory Ridge trailhead. Here, the one-way road starts. In the draft general management plan it was recommended that this one-way road segment be closed to private motor vehicles and used as a horse and foot trail. It could still be used as an administrative road.

Several years ago, the commercial interests of Townsend, Tennessee, proposed that this road be widened and both this and the Forge Creek road be paved. Presumably for two-way, through-traffic to U.S. Highway 129. Since traffic on this must pass through Cades Cove, the added through-traffic would be disastrous to this extremely popular historic area.

The Cades Cove historic area is one of the most popular areas in the park because of its historic buildings, campground, several trail heads, deer herd and pastoral scenery. Making it a thoroughfare for through-traffic would be extremely detrimental to the experience of visiting this area. The entire one-lane Cades Cove loop road would have to be rebuilt or a new road through the cove would have to be built to handle this traffic.

If the Parsons Branch road is not included in the wilderness as a foot and horse trail and as an administrative road, there will undoubtedly be an effort made to make it a paved two-lane highway. Although the park has been managed very well since the proposed transmountain road of the 60s was stopped, we cannot rely on the administrators of the National Park Service and its parent agency, the Department of Interior, to assure us that the Parsons Branch road will remain an unpaved, one-way, seasonal road. I will point out again that there are unlimited opportunities to drive backcountry mountain roads in east Tennessee and western North Carolina.

For these reasons we support the inclusion of the Parsons Branch road in the wilderness area, creating a contiguous wilderness area south and west of Cades Cove. This is also marked on the map which I have referred to earlier.

Senate bill 1947 is a very good bill and we fully support it but some improvements are needed to provide future protection for several small areas which qualify for wilderness designation and to avoid controversy in the future over road construction in this park. We request that the committee recommend the establishment of a Great Smokies Wilderness as provided by S.1947 with the additions which I have discussed here and which are indicated on the map which is a part of this statement.

The base map used and referred to here was prepared by the National Park Service. On the copy which I received there were several errors and there were discrepancies between it and the map in the General Management Plan originally referred to in S.1947. Perhaps the NPS has corrected the map, but if not, the committee should assure that the map is corrected before the full Senate acts on this legislation. These errors and discrepancies are indicated on the map included in this statement.

This statement is for the record of the United States Senate hearings on the designation of wilderness in the Great Smoky Mountains National Park.

Ray Payne, Chairman

Great Smokies Park Wilderness Advocates

Senator WALLOP. The statement will be in the record in its entirety, and we will have the map as part of the committee file. We appreciate the work and effort that you have put on it.

Let me just observe that I sense a rigidity here that I don't sense in the other side. I think it's unfortunate. I don't think it does the process any good when you threaten that you will withdraw all support if any changes were made except the changes that you support. It's just not the way in which we ought to try to go about something that everybody agrees generally ought to be done overall. And I would hope that you might rethink some of those threats as we get into the process of doing something realistic with this park.

Thank you all very much.

Next, Mr. Ed Wahler, Bryson City; Mr. Troy Proctor, Mr. Bill Davis, Rev. Beauford Woodard, and Taylor Kirkland, all from Bryson City.

STATEMENT OF EDWARD WAHLER, SWAIN COUNTY, NC

Mr. WAHLER. Mr. Chairman, I want to thank you for permitting us to come here and talk to you.

I have a prepared speech. I'm just going to breeze through it. I would like to speak openly a few minutes on some subjects.

I am Ed Wahler, and I'm from Swain County, NC.

Mr. Chairman, if it wasn't for the people fighting for the road, I don't think we would even be here today. Maybe later on, but not at this particular time. It's been going on for quite some time.

Most of the people—I should say all of the people in Swain County—do feature the bill proposed by Senators Helms and East.

We also believe that it's time that the Government did make a commitment and fulfill it at this time.

It's been 40 years that the group has been trying to get the road, or some sort of easement into the cemeteries.

The people of Swain County and summer residents enjoy the trails, horseback riding and power boats on Lake Fontana. Myself and a lot of the people in Swain County do not feature any of the area going into wilderness. However, we do realize we have to compromise. We've compromised before, and we'll probably have to compromise again.

We would appreciate a gravel road into the cemetery, if that's what the compromise takes. We would appreciate at least the 44,000 acres not going into wilderness.

We feel that the Wilderness Society, Sierra Clubs, and whatever, they would get their part with the 400,000, we'd get our part. That would be our compromise on the wilderness part.

It seems strange that we worry about human rights in other countries. How about the human rights of the people of Swain County, the older people, the tourists, the people in wheelchairs? How about the rights of the cemetery people, their relatives, people buried there? I feel very strongly about this. [Pause.] I can't continue.

[The prepared statement of Mr. Wahler follows:]

March 27, 1984

My name is Edward Wahler. I am a resident of Swain County, N.C.

Gentleman, the reason we are here is forty years ago the Federal Goverment took land from the residents of Swain Co. and promised them a road after the war. Now more than forty years later, the road has never been built.

If it weren't for the people of Swain Co. fighting for this road, this meeting may not be going on right now.

Senator Helms has proposed a bill which would give the people the road that was promised, not a paved road, but at least a gravel road that would make access to the cemetary possible.

I believe it is time the Goverment honored it's commitment.

Let us back a bill from North Carolina not a bill from Tenn.

Forty Yrs. ago the Goverment took land from Swain County residents and made it a Park called The Great Smokies. Now the Goverment is listening to groups or clubs that want to make this great park a wilderness.

The people of Swain Co. and the tourists that visit in the summer have been able to use the Park by walking it's trails, horseback riding or fishing by power boat on Lake Fontana.

If the park is made into wilderness this will all end, and again the land will be taken from the people of Swain Co. Taken for other interest groups inculding the Baker, Sassor Bill from Tenn.

The Baker, Sassor Bill wants all of North Carolina in wilderness, but not all of Tenn. The beginning of the Park stated no more or no less lands, yet the Tenn. bill would add land to the Great Smokies Park.

If the Park is made into wilderness it will reduce the tourist trade in North Carolina which the people of Swain Co. rely on for jobs and money. By leaving some of Tenn. out of wilderness it will take most of the tourist trade to Tenn. this is a good reason for the Baker, Sassor Bill from Tenn.

Tenn. has gotten more than thier share for the Park on the Tenn. side over the years, and again are tryingto do the same thing.

The United States talks about Human Rights for other countries, how about the human rights for the people of Swain Co. The rights of the tourists, the older people, the people in wheel chairs, the children and all the people who want to use the Park and walk it's trails. The people who want to visit the cemetary, the rights of all the relatives of the people buried there by putting in a road that was promised to them for them to travel on.

We hope Senator Baker and Sassor will drop thier Bill and back the Bill by Senator Helms and East, that would leave the Park out of wilderness and a road would be built for the people of Swain Co.

We would like no wilderness at all and a paved road for the North Shore Cemetary, but again we will probably have to settle for a gravel road to the cemetary and only part of the Park not going into wilderness.

We are hoping for a fair and just decision.

The closest compromise is the N.C. bill #2183 proposed by Senator Helms and Senator East. Also we the people of Swain Co. would like added to bill #2183, that highway #441 going thru the Great Smokies Nat'l Park, will never be closed or restricted to vehichular travel.

Thanking you;

Edward Wahler

Senator **Wallop**. I appreciate your concern. It's one of the things that bothers me about this whole process, when people who have no roots there can say that your roots are adequately served. It's insensitive, to say the least. And I would hope that maybe they might witness some of that and not be so damn high-bound that we can get at it a little bit.

Mr. Wahler, I appreciate your sensitivity.

Mr. **Wahler**. Thank you.

Senator **Wallop**. Mr. Proctor.

STATEMENT OF TROY J. PROCTOR, BRYSON CITY, NC

Mr. **Proctor**. Mr. Wallop and staff, my name is Troy Proctor. I was born at Bushnell, NC, and lived there until the area was flooded by Fontana Dam in 1943.

We were shown a written contract which stated that TVA proposed and promised to build a road along the north shore of Fontana Lake encircling the park and making access to family cemeteries above the high-water mark.

These unselfish American families were asked to make sacrifices for the war effort. These sacrifices were made. And in a time of unrest, some 29 cemeteries and 813-plus graves were left behind, trusting that our Federal Government would construct this promised road, and access would be available, care and maintenance would be sustained and memorial services for these pioneer families could soon be held once again.

We would rather not have any of the park go into wilderness; but, if it must, at least exclude the 44,000 acres. It is filled with roads, railroad beds, home sites, pit mines, and, most important of all, the cemeteries. I don't believe this meets wilderness criteria.

This is a harbor for hunters and many undesirable activities. In my opinion, a road which the Park Service could patrol and maintain would better serve the park, in that it would give fire protection and discourage poaching along with other undesirable activities.

A road, we believe, would also better serve the people with access for group activities, such as church, schools, Scout organizations, while being available for cemetery access.

I was asked in the 1940's to register, and soon thereafter to serve my country, which I did along with millions of others with a great deal of pride. But if I had failed to comply with my Government's request, I would have been looked upon as a deserter, through eyes of shame and disgrace.

I sincerely believe the U.S. Government is bound with this same type obligation to these people.

Thank you, gentlemen, for the courtesy of hearing my testimony, and I trust it will be of assistance to you in reaching a fair and just settlement of this issue.

[The prepared statement of Mr. Proctor follows:]

My name is Troy Proctor. I was born at Bushnell, North Carolina and lived there until the area was flooded by the Fontana Dam in 1943. We were shown a written contract which stated that TVA proposed and promised to build a road along the North Shore of Fontana Lake encircling the park and marking access to family cemetaries above the high water mark. These unselfish american families were ask to make sacrifices for the war effort. These sacrifices were made and in a time of dispute and unrest some 29 cemetaries and 813 plus graves were left behind. Trusting that our federal government would construct this promised road and access would be available, care and maintenance would be sustained and memorial services for these pioneer families could soon be held once again.

We rather not have any of the park go into wilderness, but if it must, at least exclude the 44,000 acres. It is filled with roads, railroad beds, home sites, pit mines, and most important of all the cemetaries. This area is a harbor for hunters and many undesirable activities. In my opinion a road, which the park service could patrol and maintain would better serve the park in that it would give fire protection and discourage poaching, along with other undesirable activities. A road we believe would also better serve the people, with access for group activities such as church, school, and scout organizations while being available for cemetary access.

I was ask in the 1940's to register and soon there after to serve my Country, which I did along with millions of others with a great deal of pride. If I had failed to comply with my governments request I would have been looked upon as a deserter through eyes of shame and disgrace. I sincerely believe the U.S. Government is bound with this same type of obligation to these people.

Thank you gentlemen for the courtesy of hearing my testimony and I trust it will be of assistance to you in reaching a fair and just settlement of this issue.

Troy J. Proctor
510 Bryson Branch Road
Bryson City N.C. 28713

Senator **Wallop**. Thank you, Mr. Proctor.

Is Mr. Davis coming?

[No response.]

Senator **Wallop**. Reverend Woodard.

STATEMENT OF REV. BEAUFORD WOODARD, PASTOR, DEEP CREEK BAPTIST CHURCH, BRYSON CITY, NC

Reverend **Woodard**. Thank you, Mr. Chairman.

My name is Beauford Woodard. I'm pastor of the Deep Creek Baptist Church in Bryson City.

I was born March 22, 1918, on a tract of the land that is being discussed and disputed, known as the north shore property.

My father died in 1935, leaving my mother with six children to raise in that time. And we all worked hard on this property, providing a living for the family.

I also was able to see my parents in that day labor hard from before daylight till after dark in order to pay off this property, that they would have something or another to pass on to their children and their family.

Mr. Chairman, the honorable Governor from Tennessee made a statement that has stuck with me, for some reason, when he said many politicians do a lot of talking and don't know what they're talking about.

The point was well taken, and I think he proved it, that he didn't really know what he was talking about.

But I come today knowing what I'm talking about. I was born and raised in that area. I spent 23 years in that area, and I know it. And I can take him over trail after trail. I know it like a book. I can take him into every canyon, every part of it. And I can't understand that some of our leaders that we depend on know so little about such a small area.

And I would hope that I could share with you, as I come today, since I am deeply rooted with a heritage in this area; I am committed to it because of this. I know the area.

I just ask today as we think about it and human beings being involved in a human right. And I feel deeply that I had many experiences there. Some memories that were really joyous memories of my life, but also I had sorrow and I had hurt in my life also in this area.

I remember very well when the Federal agent from the agencies of the TVA came and presented my mother with a notice, telling her that she must vacate this 600 acres, around 600 acres that we had there, and that she must get out. I remember that.

That was one of the saddest times of my life. And I also remember the look on her face as she stood with her four children, yet in the family, and with a look in there of bewilderment, of wondering what will happen next.

And she, of course, stood bravely, and encouraged the four children that stood with her, and went on her way.

But, Mr. Chairman, my mother never sold that property to the Government. But my mother had an amount put in the bank of $5,000. And there, the court made a deed to the Government for it.

In my conclusion I want to add this in there. Mr. Chairman, we, the people, of the north shore, believe that our human rights have been violated by the Federal Government because of the outstanding and outside pressures and the refusal of a Government agency to fulfill its promise and obligation made in good faith.

Thank you, sir.

[The prepared statement of Reverend Woodard follows:]

Bryson City, N. C.
March 23, 1984

Testimony of Rev. Beauford Woodard

Mr. Chairman and Honorable members of the committee:

My name is Beauford Woodard. I was born March 22, 1918, on a tract of land owned by my parents, around 600 acres behind the Fontana Lake, known as the north shore property. My father died in 1935, leaving my mother with six children to raise. We all worked very hard in providing a living for the family. I saw my parents work from before daylight till after dark in order to pay for this property, so they would have something to pass on to their children.

Mr. Chairman, I have a deep-rooted heritage in this north shore property. I spent the first twenty-three years of my life in this area. I know it like a book and have many memories of growing up in this country, some good and some of hurt and sorrow. I think one of the saddest was when an agent for the Federal Government came and presented my mother with a paper telling her that she had to vacate her home and all that she had worked hard for. I remember the look of hurt and bewilderment on her face as she stood with her four children still left at home. She tried to be brave for their sakes.

Mr. Chairman, my mother never sold this property to the Government. The price of $5,000.00 was placed in the bank and the court made a deed to the government for it. The property is worth over $150,000 today, so I believe my family has made a great contribution to this property and should be considered in any settlement that is made.

Mr. Chairman, it is my honest belief that the only settlement which would be honorable for the people and the U.S. Government would be the agreement signed in 1943. The only other acceptable settlement would be to pass the Helms and East bill that is before you.

Mr. Chairman, I wish there was time for me to share with you and the committee some personal experiences with some of the people who moved from the north shore property. I was driving a moving van and moved around one hundred families to new locations. When we loaded the truck and was all ready to go I would pull out away from the house and wait sometimes thirty or forty-five minutes for the people to walk around their home and weep and pray and cry out why?, why?, why did our government do this to us.

Mr. Chairman, we have been listening to the politicians, the organized clubs, and the National Park Service talk about satisfying all factions in this dispute. Sir, the only group that deserves to be satisfied is the families and their heirs of the north shore. They are the only one who have paid the high price. All others have no investment.

Mr. Chairman, in conclusion, we the people of the north shore believe that our human rights has been violated by the federal government, because of outside pressure and the refusal of a government agency to fulfill its promise and obligation made in good faith.

Thank You Very Much
Rev. Beauford Woodard
Rev. Beauford Woodard

Senator **Wallop**. Thank you, Reverend Woodard.
Mr. Kirkland.

STATEMENT OF TAYLOR KIRKLAND, BRYSON CITY, NC

Mr. **Kirkland**. Thank you, sir.

I'm Taylor Kirkland, born at Bushnell, where this water has now covered. The water didn't cover where I lived. I lived about a mile and a half above the water. I spent my young childhood in this place they want to call wilderness.

You have my written testimony, but I want to hit on a few highlights, if you may permit me to.

I have heard testimony this morning talking about the good, sufficient transportation they have for us across the lake.

I want to say, Mr. Chairman, for these politicians and these special groups—not talking about the citizens of Swain County—these out-of-staters and so forth, come into our county, the park goes out of their way to accommodate these people. They don't travel like we have to travel. They have special vehicles they put in there for those people to travel in. They don't put anything special in for us.

The park employees—I'm talking about the working people that are employed, some permanently and some just on summer work, they do the best they can because they don't have too much to do it with. But we are proud of them. They do what they have to do.

Now, they talk about this area that the Governor of Tennessee walked down over, this rugged terrain. I admit there are some places that are rugged. But the places that they call rugged, those are the places where we lived and made a living, and we buried our dead before the TVA came along.

Therefore, I don't consider this all that rugged, Mr. Chairman. It wasn't too rugged for us to live on; it wasn't too rugged for my dad and mother to raise me on, and I don't believe it would be too rugged for the Government to put a road on.

Now, the trail that is 4-foot wide that the Governor walked on, it has a 25-foot cleared right-of-way. Those trees were cut with crosscut saws, axes and so forth; no power tools whatsoever. And it was plowed with mules and by workhands, boys working. And some of them—we've got one of them sitting right here at the table, he worked on it, he dug for days on it.

Now, they disturbed the Earth then, and I never heard of a wilderness group or any other group down there trying to stop the park from doing that project. So, therefore, I don't feel like a road would damage the area that much.

And I want to submit that we leave the 44,000 acres out of the wilderness, if any wilderness is considered at all. And I do support the bill S. 2183. Thank you.

[The prepared statement of Mr. Kirkland follows:]

Bryson City NC.
March 27 1984

Senator Jesse Helms.

I Taylor Kirkland was born on Chambers Creek in 1933 and I lived there untill 1943 when my family like the others were forced to leave our homes. Untill I was about ten years old I went to school at Bushnell and we play on those hills that some folk are now trying to say is wilderness It wasn't wilderness then it isn't now, and it will never be wilderness to us.

My mother and us six kids stood on the porch while our dad stood in the yard and listened to the man from T.V.A. tell him that when the war was over our government was going to build a road so we could all go back down there and visit the cemeteries where our loved ones were left.

Up untill about seven years

ago there were no decoration days set and my family could never afford a boat so we could not go any time we wanted to. Now I am sick and last year I tried to go but after one Sunday I saw I could not walk the steep hills to some of the cemeteries. That Sunday we went to the Cook Cemetery and the path was very steep and we walked a long way. I was in bed most of the following week. My wife and daughter go but it is awful depressing that I can't make the trip by boat and four wheel drive vehicle. The park personell is very good about helping us but there is only so much they can do.

My dad had 100 acres of land and was paid $1435.00 cash and a promise that has not been kept. My family feels like the land won't be paid for untill

the Government builds the road.
If our government dont intend
to pay its debt why dont it
let us have our land back
The could develope it and make
it worth a lot to our
County.

Respectfully
Taylor Kirkland

I would like to speak at the hearing

Senator WALLOP. Thank you, Mr. Kirkland. Thank you all for your testimony. It's nice to see you again.

The next panel is Mr. Leroy Fox, chairman of the Great Smoky Mountain Park Commission; Mr. David Felmet, North Carolina National Park, Parkway and Forest Development Council; Dr. James Tanner, Mr. William Chandler, Dr. Elliott Norse, Mr. Richard Bolen is gone, and Mr. Jack Davis.

Mr. Fox.

STATEMENT OF LEROY G. FOX, CHAIRMAN, TENNESSEE GREAT SMOKY MOUNTAINS PARK COMMISSION

Mr. Fox. Thank you, Mr. Chairman and members of the subcommittee.

I am chairman of the Tennessee Great Smoky Mountains Park Commission, which was established by the State legislature in 1927, to promote and purchase land for the park.

We recommend the Baker-Sasser Bill, S. 1947, with certain amendments, as mentioned here today. The Baker-Sasser bill is a bipartisan compromise bill, worked out in the last 5 years by local people, and it would resolve the 1943 agreement controversy in Swain County, NC.

Two of the four parties to the 1943 agreement have endorsed the S. 1947; namely, the State of North Carolina and Swain County. TVA has gone on record in a letter attached to my testimony, saying that except for certain rights listed in that letter, neither of the pending bills S. 1947 or S. 2183, would interfere in any way with TVA's properties or programs.

The fourth party to that agreement, the National Park Service, had not given a hint of its position on the pending legislation before today, but it obviously has reniged shamefully on its 1982 general management plan. And we are disappointed with the Park Service's testimony.

One other point about the North Shore Cemetery Association. There was a lawsuit filed by the North Shore Cemetery Association in 1983, asking, by any of several options, for motor vehicle access to certain cemeteries in the park.

That suit was dismissed by the Federal district court on the basis that the plaintiffs, the North Shore Cemetery Association, did not have standing to sue. That ruling, which is being appealed, is also attached to the written testimony.

The Commission feels that the park, an international biosphere reserve and a designated natural heritage by Tennessee and North Carolina, should contain a wilderness large enough to protect its vast outdoor laboratory and data base functions needed for beneficial research.

The Park is increasing in value to this Nation, it is not static, and to the world, also, as the scope of research there in the Park widens.

It gains an international flavor, and is carried out by cooperation of park scientists with a variety of university programs.

We have attached an exhibit of three pages of data showing the growth of park research projects, and the geographical extent of that participation from 1973 to 1982.

We believe that the largest area entitled to be wilderness should be preserved, because any preserved area wears away faster at the edges.

So preserve the greatest core for research, the largest feasible area must be preserved at the start.

We believe that in this Park a minimum of 467,000 acres should be so protected to minimize the edge effects.

One other clarification of testimony made earlier. And that is that wilderness in a park means the National Park Service may not construct a permanent road, place significant structures or installations or permit motorized vehicles in the wilderness.

The Wilderness Act is specific, however, in permitting temporary road structures and motorized vehicles for minimum administrative purposes.

Accordingly, our wilderness does not restrict management decisions on new roads and visitor centers. It does not stop the Park Service from taking necessary administrative actions to manage and protect people and resources.

That quote was from an unspoken part of Russell Dickenson's testimony which I had access to this morning. He did not touch on that. And I think it is, again, a shameful position of the Park Service to renig on a general management plan policy for the parks.

Thank you.

[The prepared statement of Mr. Fox follows:]

TESTIMONY OF
LEROY G. FOX, CHAIRMAN
TENNESSEE GREAT SMOKY MOUNTAINS PARK COMMISSION
BEFORE THE HEARING OF THE
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
U. S. SENATE
WASHINGTON, D. C.
MARCH 27, 1984

Mr. Chairman, Members of the Subcommittee; I am Leroy G. Fox. I am Chairman of the Tennessee Great Smoky Mountains Park Commission which was established by the State Legislature in 1927 to promote and purchase land for the Park.

I, There are several basic reasons why we recommend the Baker-Sasser bill (S-1947), a Great Smoky Mountains Wilderness Act, to the Subcommittee:

A. The Great Smoky Mountains National Park consists of qualifying Federal land which has been well protected in the past, and it now has a General Management Plan of 1982 to define further how it will be managed in the next decade.

B. Even the Park's General Management Plan is subject to drastic changes arising out of administrative or political whims. For example, the National Park Service could renege on fundamental elements of its own GMP if placed under intense political pressures; Congressional protection is needed to restrain such whims.

C. S-1947 would resolve the "1943 Agreement" controversy in Swain County, North Carolina, without the introduction of accommodations to interests not included in the "1943 Agreement".

D. S-1947 implicitly denies further claims by the Northshore Cemetery Association by its support for the 1982 GMP and Appendix D of that Plan providing for special cemetery access near Fontana Lake.

II. Support for S-1947 has arisen from:

A. Two of the four parties to the "1943 Agreement" have endorsed S-1947; namely, the State of North Carolina and Swain County. A third party, the Tennessee Valley Authority (TVA), has no existing contractual obligation but has gone on record (see the attached letter from TVA Chairman C. H. Dean Jr. to Leroy G. Fox, dated March 9, 1984) that except for the rights listed in that letter, neither of the pending bills, S-1947 or S-2183, would interfere with TVA's properties or programs. The fourth party to the agreement, the Department of the Interior (National Park Service, NPS) has not given a hint of its position on the pending legislation; however, the NPS has stated consistently that wilderness designation, as opposed to management as wilderness, can not be given to the 44,170 acre tract transferred to the Park by TVA in 1948 because of unextinguished third party rights on parts of the tract.

B. In addition to endorsements of S-1947 by certain governments in North Carolina, the Governor and particular agencies of the State of Tennessee have publicly endorsed only S-1947.

C. All of the major conservation organizations, both national and local, have endorsed S-1947 and have vigorously opposed certain, but not all, provisions of S-2183; a bill which would mandate construction of a road within the Park to serve a few cemeteries north of Fontana Lake. The exaggerated claims of the small number of people in the North Shore Cemetery Association for nonperformance by the National Park Service of part of the "1943 Agreement" led to a lawsuit in 1983 asking, by any of several options, for motor vehicle access to certain cemeteries in the Park; that suit was dismissed by the Federal District Court on the basis that the North Shore Cemetery Association did not have standing to sue. That ruling, which is being appealed, is also attached to this testimony.

III. This Commission feels that the Park, an International Biosphere Reserve and a designated Natural Heritage by Tennessee and North Carolina, should contain a wilderness designated by Congress of 467,000 acres to protect its vast outdoor laboratory and data base functions needed for beneficial research, including studies on topical concerns such as acid precipitation effects on forests of various ages.

As Theodore Roosevelt said, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired in value". The Great Smoky Mountains National Park indeed is increasing in value to this nation and to the world as the scope of research there widens, gains an international flavor, and is carried out by cooperation of Park scientists with a variety of university programs. We have attached an exhibit of 3 pages of data showing the growth of Park research projects and the geographical extent of participation from 1973 through 1982.

Dr. Stanley A. Cain, former Assistant Secretary of the Interior, said, "Wilderness areas are the only yardsticks we have--or can have--of the long-continued interactions of natural ecological laws in the absence of Man". Any preserved area wears away fastest at the edges; so, to preserve the greatest core for research the largest feasible area must be preserved at the start. We believe that in this Park a minimum of 467,000 acres should be protected as wilderness to minimize the edge effects.

We thank you for the opportunity to present our views. I will try to answer any questions that you may have.

Attachments: (3)

TENNESSEE VALLEY AUTHORITY
KNOXVILLE, TENNESSEE 37902

OFFICE OF THE BOARD OF DIRECTORS

MAR 9 1984

Mr. Leroy G. Fox, Chairman
Great Smoky Mountains Park Commission
305 W. Springdale
Knoxville, Tennessee 37917

Dear Mr. Fox:

This is in response to your request for TVA's views on legislation which would designate the Great Smoky Mountains National Park as wilderness and resolve certain matters covered by a 1943 agreement among DOI, TVA, the State of North Carolina, and Swain County regarding the construction of a road along the north shore of Fontana Reservoir to replace a State highway that was flooded by the impoundment from Fontana Dam.

TVA fully supports the concept of wilderness as a significant use of Federal lands. The national wilderness system provides important recreational opportunities, safeguards rare natural resources, and assures that a significant part of this Nation's outdoor heritage is passed intact to future generations.

We understand that hearings may be held in the Senate in the near future on the proposed wilderness designation of portions of the Great Smoky Mountains National Park. The legislative process provides a particularly well-suited forum for considering the various factors involved in the designation of the park as wilderness. Certainly this year, the park's 50th anniversary, would be an ideal time to enact any such legislation.

All the pending bills would also settle a number of issues surrounding the 1943 agreement. TVA, long ago, fulfilled all of its contractual obligations under that agreement. However, through the years TVA has worked with DOI, the State of North Carolina, and Swain County in an effort to fairly and responsibly resolve Swain County's interest in the issues related to DOI's decision not to construct, due to a variety of reasons, a replacement road along the north shore of Fontana Reservoir. We understand that the bills' proposed settlement of these issues--payment of $9.5 million to Swain County and forgiveness of a Federal loan--are actions which have local support in Swain County. We also think that these proposed actions would equitably settle a number of the issues surrounding the 1943 agreement and finally resolve this issue.

We do think, as your letter states, that any designation of the Great Smoky Mountains National Park as wilderness should expressly preserve the rights which TVA needs to continue its existing activities in the area. As you are aware, when TVA transferred a 44,170-acre area to DOI

MAR 9 1984

in 1948 for inclusion in the park, TVA retained a large number of rights in order to provide for TVA's possible future needs. It now appears that most of those rights in the transfer area can be relinquished without adversely affecting TVA activities. The rights that TVA needs to retain are to—

(1) operate and maintain the electric power transmission lines and right of way which run west and northwest from Fontana Dam;

(2) have lateral access to the Fontana Dam transmission lines and right of way from the area of the park south and west of the right of way;

(3) raise the water level of the Fontana Reservoir to the maximum probable flood elevation of 1,723 feet for flood control operations, remove structures below that elevation, and to have access to the area below that elevation at all times;

(4) install, maintain, and operate gauges to measure streamflow and rainfall in the TVA transfer area and at other locations in the park;

(5) raise the water level in the Cheoah reservoir below Fontana Dam to the maximum probable flood elevation of 1,308 feet; and

(6) install and maintain navigation markers along the north shore of the Fontana Reservoir.

So long as our rights are expressly preserved, we support the legislation pending in Congress to designate appropriate portions of the Great Smoky Mountains National Park as wilderness.

We appreciate your interest in TVA's views on this legislation.

Sincerely,

C. H. Dean, Jr.
Chairman

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

BRYSON CITY DIVISION

B-C-83-172

FILED

NOV 14 1983

NOV. 21 REC'D

ASHEVILLE, N. C.
U. S. DISTRICT COURT
WESTERN DISTRICT OF N.C.

HELEN VANCE; HENRY POSEY; GLENN ROGERS; LUTHER MYERS; ZENA FARLEY OLIVER; IVA M. TURNER; MILLIE VICKERY; JAMES C. MITCHELL; HELEN BIRCHFIELD; EVA ARRINGTON HALL; WILLA MAE TRULL; RUTH HICKS; ZULA CHRISTIE; JOE CABLE; EDNA HENRY; RUBY MARLOWE; DELLA BIRCHFIELD; MARY CABB YARBOROUGH; SAM CABLE; BARBARA PILKINGTON; CARL TIPTON; DAVID WELCH; ROY WELCH; PAULINE BALL; THEODORE HERRON; NANCY PILKINGTON,

Plaintiffs,

v.

TENNESSEE VALLEY AUTHORITY; DEPARTMENT OF INTERIOR, (UNITED STATES OF AMERICA); JAMES WATT, Secretary of the Interior; SWAIN COUNTY and THE STATE OF NORTH CAROLINA,

Defendants.

MEMORANDUM OF DECISION

This is a civil action brought by the Plaintiffs who contend that they are "direct, blood heirs of deceased individuals who are buried in certain cemeteries located upon a tract of land known as the 'Fontana Addition'" and that the Defendants are wrongfully obstructing or interfering with their right of free access to these cemeteries. The Defendants are the Tennessee Valley Authority (TVA); the Department of the Interior (United States of America); James Watt, Secretary of the Interior; Swain County and the State of North Carolina. The Plaintiffs seek injunctive relief and the "enforcement of contract rights." They allege that their ancestors are buried in some 20 private and public cemeteries located upon a 44,400 acre tract of land acquired by the United States of America through a condemnation proceeding on behalf of the TVA for the erection of a dam, reservoir and water shed, and that the impoundment of the water to form the reservoir, referred to as Fontana Lake, has flooded State Road 288, blocking and obstructing their only access by motor vehicle to the cemeteries. They further allege that the TVA, the Department of Interior, Swain County and the State of North Carolina entered into a written contract, dated July 30, 1943 wherein the Department of Interior agreed to construct a road through the Great Smoky Mountains National Park (Park) around the north side of the Lake, and the State of North Carolina would construct a public road outside the Park to connect with the Park road all of which would give the Plaintiffs access by way of motor vehicle to the cemeteries in question. The Plaintiffs concede that the State of North Carolina has built the access road to the Park line but they contend the Department of Interior has failed and refused to build the Park road and it has therefore breached its contract. They contend that they are third-party beneficiaries of the contract and desire to enforce such rights to compel the construction of the Park road and to prevent the parties from entering into a settlement agreement without providing for the construction of said road. They allege that the maintenance of, the visits to and decorations of these cemeteries are a part of their practice of their religious faith and that the conduct of the Defendants in blocking access to these grave sites constitutes a deprivation of their freedom of religion in violation of the First Amendment to the Constitution of the United States. They seek a court order to compel TVA to lower the water level in Lake Fontana so that State Road 288 can be reopened or to force the Department of Interior to construct the Park road along the north shore of the Lake so as to allow them free access by motor vehicle to the cemeteries in question.

The Defendants have answered denying any breach of contract or other wrongdoing and moved to dismiss the action under Rule 12(b)(6), Federal Rules of Civil Procedure, on the grounds that the complaint fails to state a cause of action upon which relief can be granted. The Defendants also assert that the Plaintiffs have no standing to bring this action and that if they do have standing their actions are barred by the statute of limitations or by laches. In the alternative the Defendants move for summary judgment under Rule 56, Federal Rules of Civil Procedure on the grounds that there is no genuine issue of material fact and that they are entitled to a dismissal of the action as a matter of law.

The Plaintiffs reply to the motions to dismiss or for summary judgment by moving to amend the complaint to allege that since 1944 and continuing up to and including 1982, they have been induced and led by the actions and conduct of the Defendants through statements and representations that the Park road on the north shore of the Lake would be built or other satisfactory settlement of the controversy would be made and that statements and representations induced the Plaintiffs to delay bringing this action.

The Court heard arguments of counsel on the motions in Bryson City on September 19, 1983 and after consideration of the pleadings, affidavits, and documents, briefs and arguments now enters its findings and conclusions.

In order to better understand the issues arising in this cause some background information is necessary. Three court opinions provide this background information and these facts are not in dispute. See Yarborough v. Park Commission, 196 N.C. 284, 145 S.E. 563 (1928); United States v. Welch, 150 F.2d 613 (4th Cir. 1945), and United States v. Welch, 327 U.S. 546, 66 S.Ct. 715, 90 L.Ed. 843 (1946).

On May 22, 1926, the Congress of the United States enacted a statute now designated as 16 U.S.C.A. Section 403 creating the Great Smoky Mountains National Park consisting of approximately seven hundred and four thousand acres in North Carolina and Tennessee. The Act provided that the United States was not to purchase any of the land by appropriation of public moneys but that such lands shall be secured by public or private donations.

Shortly after the passage of this Act the State of North Carolina set up a corporation known as the North

Carolina Park Commission, Public Laws 1927, Ch. 48, so that the State could avail itself of the provisions of the federal act. The corporation was an agency of the State and was given the power to issue bonds and to otherwise raise funds with which to acquire lands, by purchase and by condemnation for the purpose of deeding said lands to the United States in fee simple for the establishment of the Great Smoky Mountains National Park. See Yarborough v. Park Commission, supra. The North Carolina Park Commission through the issuance of bonds and by a contribution by the Rockefeller Foundation acquired title to all other lands, except the 44,400 acre tract in question here and deeded it to the United States for the Park.

After the Park was established the Congress created the Tennessee Valley Authority for the purpose of maintaining and operating the Muscle Shoals Properties, improving navigation on the Tennessee River and for controlling floods in the basins of the Tennessee and Mississippi Rivers. 16 U.S.C.A. Section 831. Under the power granted to it by Congress the TVA constructed a large dam and reservoir on the Little Tennessee River in Western North Carolina known as the Fontana Dam and Reservoir. Between the reservoir and the Great Smoky Mountains National Park lie the forty-four thousand four hundred acres of mountain lands upon which these private and public cemeteries are located. When the Congress authorized the building of Fontana Dam and Reservoir in 1942, H.Res. 1470, 77th Congress, 1st Session, two hundred and sixteen families occupied this land, and their only public means of ingress and egress was State Road No. 288 which was to be flooded by the reservoir. This situation posed a problem for the United States, the State of North Carolina and Swain County. The interest of the United States was that of the TVA and the National Park. The TVA interest was two-fold, first the 44,400 acres of land formed a part of the water shed of its reservoir and second, it had a statutory duty to help alleviate the hardships brought about by the construction of the dam and reservoir. The interest of the United States was also heightened by the fact that the 44,400 acre tract had been included in the Great Smoky Mountains National Park project although not a part of the Park at this time. North Carolina was interested because of its desire to include the entire tract in the Park and its obligation to furnish a public road system for its citizens which included the 216 families affected by the construction of the dam and reservoir. Swain County had issued bonds for the construction of State Road 288 prior to the State of North Carolina taking over the highway system of the State and part of these bonds were still outstanding.

The parties agreed to a solution of the problem. The Tennessee Valley Authority, the State of North Carolina, Swain County and the United States Department of the Interior entered into a written agreement dated July 30, 1943 which provided that the State would contribute $100,000.00 to the TVA which would be used to help acquire the land in the area and Swain County was to be paid the sum of $400,000.00 by TVA to help retire the outstanding road bonds and TVA was to transfer all the area to the National Park Service for inclusion within the Great Smoky Mountains National Park. The agreement was signed by the parties and approved by the Governor, Council of State and the General Assembly of North Carolina. See United States v. Welch, supra.

In the agreement the Department of Interior represented and stated that it had evolved a master plan for the development of the Park as extended by the addition of this tract, and that said master plan includes an "around the Park" road, of which the Park section of a projected road between Deals Gap and Bryson City constitutes an important link. Subject to the transfer by TVA to the Department of the Interior of the tract of land, the Department agreed that, as soon as funds are made available for the purpose by Congress after the cessation of the hostilities in which the United States is now engaged, the Department will construct or cause to be constructed the sections of the road, collectively referred to as the "Park Road."

The agreement further provides that in lieu of the sections of road described in paragraphs (a), (b) and (c), the Department may at its election construct or cause to be constructed, as a part of the Park Road, a continuous section of road beginning at a point on the Fontana Dam access road near the crossing of Fox Branch and extending around the aforesaid property of North Carolina Exploration Company (through existing Park lands) to the eastern boundary of the Park as extended by the acquisition of this tract. If and when funds are made available by the Congress for said Park Road, the location and type of said road, the method of construction, and all standards and specifications therefor shall be determined by the Department in its sole discretion. However, the agreement did provide certain minimum standards for the roadway, and said roadway was to extend to the eastern boundary of the Park and connect with the road to be constructed by the State. The obligation of the Department to construct the road was contingent in all respects upon the appropriation by Congress of sufficient funds for such construction and the failure of Congress to appropriate such funds shall not constitute a breach or violation of the agreement by the Department.

The State agreed to construct a public road beginning at Bryson City, North Carolina and extending to the eastern boundary of the Park to connect with the Park Road. The evidence reveals that the State has constructed the State road from Bryson City to the Park boundary line but the Department of the Interior has not constructed the Park Road.

In compliance with the agreement the 44,400 acre tract of land was acquired by the United States by purchase and condemnation on behalf of TVA and thereafter TVA, by a written document dated the 31st day of March, 1948, transferred the property to the United States Department of the Interior, National Park Service.

At the time of the agreement and the transfer to the Park Service there were twenty-six cemeteries located upon the tract of land but one of them, Fairfax Public Cemetery, was not affected by the flooding of State Road 288. Four of the remaining twenty-five were subject to inundation and all graves were removed and relocated at TVA's expense. A fifth cemetery was relocated to the isolated area at the express request of the nearest surviving relatives.

The remaining twenty cemeteries were left undisturbed on the tract of land. In each instance the nearest surviving relative was contacted and given the option of (1) having the remains of their ancestor re-interred, at TVA's expense in other cemeteries of their choice or (2) having the remains left in the affected cemeteries undisturbed. Copies of the standard form agreement to be relocated in other cemeteries and the alternative agreement to have the remains left in the affected cemeteries are attached to the affidavit of Tom D. Waller, Assistant Chief of the Mapping Services Branch of TVA. These agreements expressly state that the cemeteries would be "isolated" by the impoundment of the reservoir, and the transmittal letters make it clear that no road access would be provided by TVA unless relocation of the remains was chosen. This agreement and practice is standard policy with TVA.

The sole complaint advanced by the Plaintiffs in this action is that they have been denied access to these cemeteries by way of motor vehicle. It is not disputed that the cemeteries are intact and that the Plaintiffs and all other relatives and friends of the persons buried there may visit the grave sites as often as they like and care for and decorate the graves as they see fit, but they do not have access to the cemeteries by way of a road for motor vehicles. It was admitted that the Park Service furnishes the Plaintiffs and other relatives free boat transportation across Fontana Lake to visit the grave sites at specific times.

The Plaintiffs seek drastic remedies for the alleged wrongs including a mandatory injunction requiring TVA to lower the water level of Lake Fontana below State Road 288 and permit them to use the road and all other roads in the area so that they may have free and unrestricted access to the cemeteries by motor vehicle. This demand is made notwithstanding the showing of TVA that to draw the lake level down below State Road 288 would result in the water level being below the water intakes to the turbines which produced 955,982 megawatt hours of electricity in 1982 at a direct cost of approximately $500,000.00. To replace this much electricity it would cost approximately $19,300,000.00 at TVA's fossil fuel plants.

In the alternative the Plaintiffs demand that the Department of Interior be required to build the "Park Road" as set forth in the agreement or that the Court set aside all of the original conveyances and transfers and return the property to the original owners or their heirs. Some of the arguments advanced by the attorneys for the Defendants as to why the road should not be built are the enormous costs, in the millions of dollars, to build the mountainous road now and the controversy which would develop over building a road through this area which has been set aside by Congress as a wilderness area. The fight which would develop as environmentalists would take their fight to Congress and the courts and such controversy could last for a generation. If this occurred the Plaintiffs might not be around to enjoy their victory if they obtained one.

There is no genuine issue as to any material fact and these motions must be decided as a matter of law. Therefore, the matter is ripe for summary judgment.

The first issue for the Court's determination is whether the Plaintiffs have standing to bring and maintain this action against these Defendants.

The Plaintiffs claim the status of third-party beneficiaries with enforceable contract rights under the 1943 agreement.

The prevailing doctrine in the United States is that, with some qualifications, a third party for whose benefit a contract was made may sue thereon, even though he is a stranger to the contract and the consideration therefor. It has been said to be well settled that contracting parties may, if they intend to do so, validly extend a contractual benefit to a third part. 17A C.J.S. Contracts, §519(3), page 952. In Vogel v. Supply Co. and Supply Co. v. Developers, Inc., 277 N.C. 119, 117 S.E.2d 273 (1970) the North Carolina Supreme Court held:

> . . . Nevertheless, there is general agreement that a third party may enforce a contract to which he was not privy but which was made for his benefit. See Annotation, Right of Third Person to Enforce Contract Between Others For His Benefit, 81 A.L.R. 1271.
>
> The American Law Institute's Restatement of Contracts provides a convenient framework for analysis. Third party beneficiaries are divided into three groups: *donee* beneficiaries, where it appears that the "purpose of the promisee in obtaining the promise of all or part of the performance thereof is to make a gift to the beneficiary"; *creditor* beneficiaries, where "no purpose to make a gift appears" and "performance of the promise will satisfy an actual or supposed or asserted duty of the promisee to the beneficiary"; and *incidental* beneficiaries, where the facts do not appear to support inclusion in either of the above categories. Restatement of Contracts § 133 (1932). While duties owed to donee beneficiaries and creditor beneficiaries are enforceable by them, Restatement of Contracts §§ 135, 136, a promise of incidental benefit does not have the same effect. "An incidental beneficiary acquires by virtue of the promise no right against the promisor or the promisee." Restatement of Contracts §147.

277 N.C. at 126-127.

The Court in *Vogel* further held:

> While North Carolina has never explicitly adopted the analytical framework of the Restatement, the principles applicable to incidental beneficiaries were noted in *Chipley v. Morrell*, 226 N.C. 240, 45 S.E.2d 129 (1947), and *Trust Co. v. Processing Co. supra*, (242 N.C. 370, 88 S.E.2d 233). Even so, the law in this State as to direct third party beneficiaries is synonymous with the Restatement categories of donee and creditor beneficiaries, *Trust Co. v. Processing* Co., *supra*. Restatement § 133 correctly states the law of this State and we therefore expressly approve the Restatement formula.

The case of *Trust Co. v. Processing Co.*, *supra*, supports the proposition that a third person may sue to enforce a binding contract made for his direct benefit but not where the benefit to him is only incidental. In the case of *Robins Dry Dock & Repair Co. v. Flint*, 275 U.S. 303, 48

S.Ct. 134, 72 L.Ed. 290 (1927), the Supreme Court of the United States held:

> Before a stranger can avail himself of the exceptional privilege of suing for a breach of an agreement, to which he is not a party, he must, at least, show that it was intended for his direct benefit. *German Alliance Ins. Co. v. Home Water Supply Co.*, 226 U.S. 220, 33 S.Ct. 32, 35, 57 L.Ed. 195 (1912).

"A third person for whose direct benefit a contract was entered into may sue for breach thereof; but if the benefit is only incidental, he may not." 12 Am.Jur., Contracts, Section 281.

It therefore become necessary for the Court to examine the facts of this case to determine whether the Plaintiffs are donee, or creditor beneficiaries or merely incidental beneficiaries of the agreement sought to be enforced by them.

The intention of the parties to the agreement is the determining factor in such an inquiry. "As a general proposition, the determining factor as to the rights of a third party beneficiary is the intention of the parties who actually made the contract. The real test is said to be whether the contracting parties intended that a third person should receive a benefit which might be enforced in the courts." 17 Am.Jur.2d., Contracts §304. It is not sufficient that the contract does benefit him if in fact it was not intended for his direct benefit. *Robins Dry Dock & Repair Co. v. Flint*, *supra*; *King v. National Industries, Inc.*, 512 F.2d 29 (6th Cir. 1975); *Holbrook v. Pitt*, 643 F.2d 1261 (7th Cir. 1981).

At the time the contract was entered into by the parties 216 families resided upon the 44,400 acre tract of land in question. By the terms of the agreement TVA agreed in the name of the United States of America to commence and thereafter prosecute in a systematic, orderly, and diligent manner the acquisition by purchase, the exercise of eminent domain, or otherwise, the land identified as the 44,400, known as the "Fontana Addition." Since all of the land was to be acquired and made a part of the Park it is logical to assume that the parties to the agreement knew there would be no need for State Road 288. All of the residents of the area were to move out and the cemeteries were to be moved at TVA's expense unless the nearest surviving relatives elected to leave the remains in the remote areas. Thus the people who moved out would have no more rights to have the Park Road constructed than any other citizen. This would make the Plaintiffs and all other citizens merely incidental beneficiaries.

In the case of a government entity's contract, which could arguably confer rights on an indefinite number of people, the intention that liability will run to a third party must actually be expressed in the contract. Commonwealth of Pennsylvania v. National Ass'n of Flood Insurers, 378 F.Supp. 1339, 1347-49 (M.D.Pa. 1974), aff'd on other grounds 520 F.2d 11, 19 & n.17 (3rd Cir. 1975). The reason for this rule is apparent here where the four parties to the agreement intended to settle disputes and extinguish rights between the parties, not to create new rights in non-parties.

The Court holds that the agreement here was not intended for the benefit of the Plaintiffs, any more so than any other citizen of the county and State. The Plaintiffs are merely incidental beneficiaries of the agreement and as such may not maintain an action for specific performance of its terms or seek relief for the breach of such terms.

It therefore follows that the Plaintiffs do not have standing to bring and maintain this action and the Defendants' motions to dismiss must be allowed.

A judgment dismissing the action will be entered simultaneously herewith.

This the 10th day of November, 1983.

s/ Woodrow W. Jones

Chief Judge

Testimony, Leroy G. Fox   Attachment #3, page 1

Research Projects Conducted in GSMNP by Year - 1973 to 1983:

Year	Natural Sciences		U. of TN	Year Total
	NPS-Sponsored	Independent	Wildlife	
1973	6*	23	(4) see*	29
1974	5*	22	(3) see*	27
1975	13*	55	(1) see*	68
1976	14	69	15	98
1977	33	75	20	128
1978	32	47	16	95
1979	21	43	11	75
1980	14	32	7	53
1981	15	56	6	77
1982	13	67	5	85
1983	(not yet available ...)			

(*) figures in U. of TN were included in NPS-sponsored projects during these years

Testimony, Leroy G. Fox   Attachment #3, page 2

Geographic Origins by State of Research Projects Conducted in GSMNP

(NOTE: U. of TN and Uplands Research not included in the TN totals)

Year: 1982

OH - 4
NC - 9
ID - 1
TN - 23
GA - 3
KY - 2
MA - 2
TX - 1
MI - 1
IL - 4
NY - 5
SC - 3
MD - 1
PA - 2
WA - 1
VA - 3
IN - 2
AL - 1
NJ - 1
(Sweden - 1)

Year: 1981

TN - 17
KY - 3
NC - 7
IL - 2
DC - 1
OH - 3
NY - 5
MD - 2
SC - 3
NJ - 1
OR - 1
VA - 3
MI - 1
IN - 1
GA - 1
MO - 1
MA - 1
ME - 1
IA - 1
VT - 1

Year: 1980

TN - 9
NY - 3
MA - 2
NC - 3
IL - 2
OH - 3
KY - 3
MD - 1
VA - 2
MI - 1
GA - 1
MD - 1
SC - 1

Year: 1979

TN - 16
NY - 2
SC - 6
NC - 5
IL - 3
MS - 3
VA - 3
MD - 1
LA - 1
OH - 1

Year: 1978

TN - 18
IL - 3
NC - 6
MS - 2
SC - 5
DC - 1
KY - 1
MD - 1
NY - 4
LA - 1
ID - 1
VA - 1
TX - 2
MA - 1

Year: 1977

TN - 35
VA - 4
NC - 12
IL - 4
KY - 1
SC - 2
WA - 1
MI - 1
AR - 2
NY - 3
MD - 1
IN - 1
MS - 1
OR - 1
LA - 2
OH - 1
WI - 1
MA - 2

Year: 1976

TN - 27
IL - 3
MI - 1
AL - 1
DC - 1
GA - 2
WY - 1
NC - 13
NY - 3
MD - 2
NM - 1
MO - 1
OH - 1
WI - 1
IN - 1
VA - 2
SC - 1
AR - 1
MS - 3
KY - 1
MA - 1
(Canada - 2)

Year: 1975

TN - 28
AR - 2
KY - 1
IL - 4
MO - 1
NC - 6
NY - 3
MD - 2
CT - 1
IN - 1
VA - 2
MA - 2
OH - 1
FL - 1

Year: 1974

TN - 8
AR - 1
NC - 4
MI - 1
MD - 2
MO - 1
CT - 1
NY - 1
CA - 1
MA - 1

Year: 1973

TN - 8
AR - 1
NY - 1
NC - 3
SC - 1
AZ - 1
IL - 1
MI - 2
MD - 1
IN - 1
CT - 1
MA - 1
(Canada - 2)

Mr. **Bevinetto**. Thank you, Mr. Fox.

Mr. Felmet.

STATEMENT OF DAVID F. FELMET, CHAIRMAN, NORTH CAROLINA NATIONAL PARK, PARKWAY AND FORESTS DEVELOPMENT COUNCIL

Mr. **Felmet**. Mr. Bevinetto, Tony.

Mr. **Bevinetto**. Good seeing you again.

Mr. **Felmet**. Glad seeing you again.

And since Mr. Wallop is going to miss the wisdom of my statement, I'm real unhappy. But I would like to say that for many, many years I have been chairman of the North Carolina Park, Parkway and Forest Development Council. I was also chairman of the ad hoc committee that Cecil Andrus formed in order to start the process for settlement of the 1943 agreement, at which time we arrived at the 12 point program.

And I would like to say that I believe sincerely that, to quote Abraham Lincoln, "We will little note, nor long remember what we have said here today". But perhaps you, in your wisdom, will be able to help the Senate subcommittee in arriving at a reasonable compromise. I wish you the wisdom of Solomon in your efforts, sir.

I would like to say that our council has consistently opposed wilderness until the settlement with Swain County is accomplished.

We still maintain that position today, and feel strongly that the cash settlement with Swain County and the agreement there is more important than wilderness designation, because I believe John Cooke will look after the Great Smoky Mountains National Park, and his successors will do the same.

Thank you.

[The prepared statement of Mr. Felmet follows:]

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
C. C. Hope, Jr.,
~~D. M. Faircloth~~, Secretary

NC NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
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BOX 736 WAYNESVILLE 28786
TELEPHONE 704 456 5900

DAVID F. FELMET
CHAIRMAN
WAYNESVILLE

TO: SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER OF THE UNITED
STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
HEARING ON THE GREAT SMOKY MOUNTAINS WILDERNESS ACT
Senate Bill 1947 and Senate Bill 2183

March 27, 1984

STATEMENT OF DAVID F. FELMET, Chairman, North Carolina National Park,
Parkway and Forests Development Council

Mr. Chairman:

For almost 40 years the North Carolina National Park, Parkway and Forests Development Council has supported Swain County, North Carolina in every effort to resolve the 1943 Agreement. For 40 years, every proposal has met with failure. Little wonder that Swain County has lost faith in the National Park Service as well as in the Federal Government!

In 1978 Mr. Cecil Andrus, then Secretary of the Interior, made a commitment to resolve the 1943 Agreement. At his direction an Ad Hoc Committee was formed. It included from Swain County 2 men appointed by the out-going County Commissioners and 2 men appointed by the in-coming County Commissioners, resulting in bi-partisan representation from Swain County. After almost two years of meetings and hard work, this committee put together a 12 Point Proposal which was acceptable to Swain County.

We now have Senate Bill Number 1947, for which we have diligently sought bi-partisan support. It has been unanimously endorsed by the Swain County Board of Commissioners, the Bryson City Board of Aldermen, the Governors of both North Carolina and Tennessee, and the Tennessee Great Smoky Mountains Park Commission.

It contains the cash settlement, which in the past has been a stumbling block to resolution of the 1943 agreement.

The National Park Service is attempting to carry out those items over which it has jurisdiction, including Item No. 7: "Provide maintenance, access, and transportation to the cemeteries in the Swain County area of the Park". This is now being done at an annual cost of approximately $30,000 for transportation alone. This, in my opinion, eliminates the necessity of cutting a road across three undisturbed watersheds from Noland Creek to Hazel Creek.

Even of greater concern is the term "Primitive Road". This type of road could only mean a road under administrative control and would not and could not be open to the public for unlimited use, but would be behind locked gates and only accessible by request of the Cemetery Association. Other groups would eventually insist on the same right of use and the final result would be a paved highway into the wilderness area now known as Hazel Creek.

Our Council has been opposed to a wilderness designation for the Great Smoky Mountains National Park until a just settlement has been made with Swain County. Either Bill, S 1947 or S 2183, should clearly spell out that no wilderness designation should apply until the cash settlement has been made with Swain County.

Senate Bill 2183 Section 5, page 6, lines 1 through 6 allows the Secretary of Interior to assure access to the cemeteries. Lines 4, 5, 6 should not require the Secretary to consult with the "Hazel Creek Cemetery Association".

Fourteen miles of mountain road, even a primitive one, can be very expensive to build and maintain. Should a limit of $950,000 prove to be insufficient to complete the road, it is possible that we would have a continuation of "the road to nowhere".

In conclusion, Mr. Chairman, these items should have precedence:

1. A cash settlement for Swain County of $9.5 million dollars.
2. Forgiveness of the Farmers Home Administration loan for the Swain County High School.
3. The Park Service to continue, in perpetuity, to provide access to the cemeteries regardless of wilderness designation.
4. The Park Service should as rapidly as possible complete the developments contained in the 1982 Master Plan for the Park, specifically the Tom Branch Road, the Deep Creek area, and the Laurel Branch development.

Thank you.

****

Attached: Council Resolution of October 18, 1983
Council Resolution of January 9, 1984

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
C. C. Hope, Jr., ~~D. M. Faircloth~~, Secretary

N.C. NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

MRS CORINNE A KILLIAN
ADMINISTRATIVE SECRETARY

BOX 746 WAYNESVILLE 28786
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DAVID F FELMET
CHAIRMAN
WAYNESVILLE

RESOLUTION

WHEREAS, on October 7, 1983, Senate Bill number 1947 was introduced in the Senate of the United States Congress by Senator Jim Sasser of Tennessee, for himself and Senator Howard Baker, for the purposes of designating certain lands in the Great Smoky Mountains National Park as wilderness; and providing for settlement of all claims of Swain County, North Carolina against the United States under the agreement dated July 30, 1943, and for other purposes; and

WHEREAS, the position of the North Carolina National Park, Parkway and Forests Development Council in the past has been to support no wilderness legislation for Great Smoky Mountains National Park until the long-standing contract of 1943 between the federal government and Swain County, North Carolina was satisfied;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, in regular meeting assembled on October 18, 1983 recognized that S. 1947 offers a solution to the 1943 agreement; therefore did unanimously endorse S. 1947 and does urge North Carolina Senators Jesse B. Helms, Jr. and John P. East to join with the two senators from Tennessee in support of its passage and enaction.

****

I, Corinne A. Withers, administrative secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted on October 18, 1983 and permanently recorded in the minutes of that meeting.

October 19, 1983

Corinne A. Withers,
Administrative Secretary

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
C. C. Hope, Jr., ~~D. M. Faircloth~~, Secretary

N.C. NATIONAL PARK
PARKWAY AND
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DAVID F. FELMET
CHAIRMAN
WAYNESVILLE

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council in regular meeting assembled on October 18, 1983 unanimously passed a resolution endorsing Senate Bill Number 1947, introduced in the United States Congress by Senators Sasser and Baker of Tennessee; and

WHEREAS, on the 12th day of December, 1983 the Swain County, North Carolina Board of County Commissioners passed by unanimous vote a resolution endorsing and supporting passage of the bipartisan legislation currently pending before Congress, to-wit: Senate Bill 1947 and House Bill 4262; and

WHEREAS, on the 13th day of December, 1983 the Bryson City, North Carolina Town Board of Aldermen also unanimously passed a resolution for the same purpose;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, taking into consideration this strong support by both the Swain County Board of County Commissioners and the Bryson City Board of Aldermen, does wish to reiterate and emphasize our support of S 1947 and further, does commend the efforts by Swain County, North Carolina to resolve the long-standing 1943 agreement.

****

I, Corinne A. Withers, Administrative Secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted at the January 9, 1984 meeting and permanently recorded in its minutes.

Corinne A. Withers
Corinne A. Withers,
Administrative Secretary

Mr. **Bevinetto**. Thank you, Mr. Felmet. Thank you for your thoughts.

Dr. Tanner.

STATEMENT OF DR. JAMES T. TANNER, SECRETARY, GREAT SMOKY MOUNTAINS CONSERVATION ASSOCIATION

Dr. **Tanner**. I'm James Tanner, representing the Great Smoky Mountains Conservation Association.

At the public hearing in Bryson City and here this morning, Senator Wallop repeatedly asked the same question. Are wilderness areas needed in national parks?

My answer to this question is yes, for the following reasons:

The National Park Service is charged by law with two conflicting responsibilities. The first is to conserve and protect the resources of our parks, and the second is to make them available to the public.

Every decision, every action of the National Park Service is a compromise between these two duties.

Experience has shown that simply designating an area as a national park does not always assure protection of its resources from development and overuse.

I believe that increasing visitor use will quickly erode some park values, unless these areas are protected by wilderness law—as wilderness by law.

In the review process used to select wilderness areas, the public has been involved; wisely, of course.

In the Great Smoky Mountains National Park, input from the public has resulted in an increase in the amount of land recommended for wilderness areas. This is very significant.

So my answer to the first question, therefore, is that application of the Wilderness Act to national parks is needed and desirable.

The second point I want to make concerns the area north of Fontana Lake.

This is the largest section of the Smokies Park, isolated from roads by natural boundaries. I believe that, despite several things said this morning, it is eminently suitable for designation as wilderness; because of its isolation, because it possesses the intangible and aesthetic qualities of wilderness, and because it can preserve whole natural communities of plants and animals.

Some persons have stated that even though the Federal Government may have no legal obligation to build the road, it has a moral duty to do so.

I believe strongly that the moral and legal obligation to protect the park is far greater.

The Great Smoky Mountains Conservation Association endorses the bill S. 1947, and urges the enactment of this bill into law by the 98th Congress.

Thank you.

[The prepared statement of Dr. Tanner follows:]

Statement for Hearing
of the
Senate Subcommittee on Public Lands and Reserved Waters
on
Wilderness Areas in the Great Smoky Mountains National Park

by

James T. Tanner

I represent the Great Smoky Mountains Conservation Association which was formed in 1925 to promote the establishment of a national park in the Great Smoky Mountains, and which was instrumental in acquiring land for this purpose. The Association continues to work for the best interests of the Park.

In a meeting held on February 29, 1984, members of the Association unanimously passed a resolution concerning wilderness areas in the Great Smoky Mountains National Park. A copy of the resolution is attached to this statement.

At the public hearing held recently in Bryson City, N. C., two important questions were raised. They are:

1) Are wilderness areas needed in National Parks?
2) Is there still a commitment to build a road on the north side of Fontana Lake?

The remaining parts of this statement are limited to answers to these two questions.

Importance of Wilderness Areas within National Parks

In the act of Congress which created the National Park Service, the Service was charged with two conflicting responsibilities; the first is to conserve and protect the treasures within our parks, and the second is to make these available for the enjoyment of the public. It is impossible to do both to the fullest extent. Experience has shown that the laws establishing a national park do not always assure protection of its resources from the pressures of our expanding society. I believe that increasing visitor use will quickly erode some park values unless there are wilderness areas designated by law. In other words, the Wilderness Act helps the National Park Service to perform its major responsibility of protecting the resources so as to "leave them unimpaired for the enjoyment of future generations" (quote from the act establishing the N. P. S.).

The Wilderness Act of 1964 requires the Secretary of Interior to assess National Park lands for suitability for preservation as wilderness areas.

The review process for the designation of lands to serve a certain purpose is not a new development. Every national park needs a long range management plan, and the Great Smoky Mountains National Park has had, over many years, several studies to produce such a plan. The public has been involved in these studies and in making recommendations. This is a wise procedure. The planners obtain a better understanding of what the public wants and needs, they get a broader viewpoint and are less likely to make mistakes, and the process develops public support for the actions of the Park Service.

The review of lands within the Great Smoky Mountains National Park has been an open process, and it is very significant that the input from the public has resulted in an increase in the amount of land recommended for wilderness areas.

My answer to the first question is, therefore, that application of the Wilderness Act to national parks is needed because this helps to attain the ideals of the national park concept.

The North Shore Road and the Wilderness Areas

The proposed North Shore Road would extend westward from Bryson City, N.C., through the Park and north of Fontana Lake to or near Fontana, N.C. Construction of this road would prevent this section of the Park being designated a Wilderness Area. This would be unfortunate. This region has the natural boundary of Fontana Lake at its foot and joins wilderness areas in Tennessee at the mountain crest. Of all large sections of the Park, this is the most isolated and the least accessible.

It is true that this area had been logged over and that it once supported villages and farms. But in the sixty years since the large logging operations ended and the forty or more years since the last residents moved out the forest has recovered and it is once more a land of "mountain and forest, mountain and forest, as far as the eye can reach" - to quote Horace Kephart's description of this area as he saw it in the early part of this century. Other reasons for designating this area as wilderness are that it includes some of the wildest trout streams in the Park and it is an important autumn feeding ground for black bears.

I believe that this area is eminently suitable for designation as a wilderness area because it possesses the intangible and esthetic qualities of wilderness and in it can be preserved entire natural communities of plants and animals. Furthermore as emphasized above, it is remarkably isolated from roads. All of these advantages would be lost if a North Shore Road or part thereof were constructed.

At the recent hearing in Bryson City many persons stated, sincerely I believe, that they had been promised road access to the score of old cemeteries in the area in question. I have found, as described below, no record of such a promise.

The original reason for the North Shore Road was that the formation of Fontana Lake by the Tennessee Valley Authority would flood a road (N.C. 288) that served the residents to the north of the Little Tennessee River, and TVA would then be obligated to replace the road. Neither TVA nor the state nor the county was willing to undertake the expense of building a new road. Consequently TVA acquired the private land (about 44,400 acres) lying between the north shore of the planned lake and the then southern boundary of the Park in that area, and transferred this land to the Department of Interior which undertook the conditional obligation described below. It was expected that some of the residents would remain in their homes under the terms of a life-time lease, as many residents in other parts of the Park did remain. However, the residents all moved out before the dam was completed and the waters rose. The reason for the road had ceased to exist.

The agreement between the Tennessee Valley Authority, the State of North Carolina, Swain County, and the Department of Interior, completed in 1943, states

> "The obligation of the Department to construct or provide for the construction of a Park Road as defined in this Section 4 shall be subject to and contingent in all respects upon the appropriation by Congress of all funds necessary for such construction, and failure on the part of Congress for any reason to make such appropriations shall not constitute a breach or violation of this agreement by the Department or any other party thereto."

It is clear from this part of the contract that there is no binding commitment to complete the road. There is nothing in the 1943 agreement about roads needed for access to cemeteries. In rulings of the Fourth Circuit Court of Appeals and the U. S. Supreme Court, which bear on this agreement, nothing is said about cemeteries. In 1965 a new road was proposed in place of the North Shore Road to extend from Bryson City to Townsend, Tenn.; this was called the Transmountain Road. Residents of Swain County strongly supported this proposal although this road would not provide access to two-thirds of the cemeteries in question. The organized interest in cemetery access, so evident at the Bryson City hearing, is a relatively new development.

The National Park Service and North Carolina began the construction of a road from Bryson City along the route of the North Shore Road. It was built to a point about five miles inside the Park boundary. The construction on steep slopes and unstable soil caused damage by erosion and slides that was literally appalling. The damage that would be caused by continuing the road led a Regional Planning Team consisting of representatives of state and local governments, universities, and other groups to recommend:

> "no further consideration of either a second transmountain road or a North Shore Road in Great Smoky Mountains National Park. Although many justifiably consider one or both of these roads desirable, the potentially negative impacts of construction on the Park environment far outweigh the potential benefits the roads might bring." (Coordinated Guidlines for Recreation, 1975).

This recommendation was adopted in the "Draft General Management Plan, April 1979, Great Smoky Mountains National Park."

It is significant that the above recommendation was made by members of a Regional Planning Team who were not Park Service personnel. Furthermore, it was based entirely on the Team's opinion of the damages to result from road construction. The effect of roads on wilderness designation was not even considered in that report.

Some persons have stated that even though the Park Service had no legal obligation to complete the road, it had a moral obligation to do so. I believe strongly that, even if this is so, the moral and legal obligation to protect the area from damage is far greater.

The Great Smoky Mountains Conservation Association endorses the bills S.1947 and H.R.4262 which designate 467,000 acres of the Park for protection under the Wilderness Act of 1964, and urges the enactment into law of these bills by the 98th Congress and the President of the United States.

James T. Tanner

James T. Tanner, Secretary
Great Smoky Mountains Conservation Association

Attachment: Resolution adopted by the G. S. M. Conservation Association

GREAT SMOKY CONSERVATION ASSOCIATION

ORGANIZED TO ESTABLISH A NATIONAL PARK IN THE GREAT SMOKY MOUNTAINS
AND TO PROTECT AND PROMOTE ITS INTEREST BEFORE AND AFTER ITS COMPLETION

RESOLUTION

February 29, 1984

WHEREAS, the Great Smoky Mountains Conservation Association was organized in 1925 to promote the establishment of a National Park in the Great Smoky Mountains and to promote its interest before and after its completion, and

WHEREAS, the Wilderness Act of 1964 enables the preservation of wilderness for the benefit of present and future generations of Americans, both for the intrinsic values of wilderness and as a link with our pioneering past, and

WHEREAS, the Great Smoky Mountains National Park has been designated to be an International Biosphere Reserve because of its extraordinary richness of plants and animals surviving in a pristine environment, and

WHEREAS, on October 7, 1983, Senators Jim Sasser and Howard Baker of Tennessee introduced in the Senate bill S. 1947, and on November 1, 1983, Congressman John Duncan of Tennessee and James Clark of North Carolina introduced in the House of Representatives bill H.R. 4262, being identical bills to designate certain lands in the Great Smoky Mountains National Park as wilderness, and

WHEREAS, said bills provide an amicable settlement of the longstanding dispute between Swain County and the Federal Government, and

WHEREAS, an alternative wilderness bill, S. 2183, was introduced in the Senate on November 14, 1983, by North Carolina Senators Jesse Helms and John East which is similar to the previously mentioned bills but differs in deleting about 67,000 acres lying north of Fontana Lake from the wilderness lands and in requiring the construction of a road to provide access to selected cemeteries in that area, and

WHEREAS, the area lying north of Fontana Lake should be preserved as wilderness because it is wild, it is naturally isolated, and a road constructed in its steep terrain would do incalculable damage, and

WHEREAS, the bills S. 1947 and H.R. 4262 require the National Park Service to continue providing access to the cemeteries as it has been doing, and

WHEREAS, 1984 is the Golden Anniversary of the Great Smoky Mountains National Park making this an appropriate year to complete a wise act of conservation,

NOW THEREFORE, BE IT RESOLVED that the Board of the Great Smoky Mountains Conservation Association, assembled in an official meeting on February 29, 1984, endorses the bills S. 1947 and H.R. 4262 which designate 467,000 acres of the Park for protection under the Wilderness Act of 1964, and urges the enactment into law of these bills by the 98th Congress and the President of the United States, and

BE IT FURTHER RESOLVED that copies of this resolution be sent to members of the Senate and House of Representatives, to the governors of North Carolina and Tennessee, and to other concerned persons.

By unanimous vote of the Board of this Association on February 29, 1984.

John M Smartt
John M. Smartt, President

James T. Tanner
James T. Tanner, Secretary

Mr. BEVINETTO. Thank you, Dr. Tanner.

William Chandler.

STATEMENT OF WILLIAM CHANDLER, PRESIDENT, TENNESSEE CITIZENS FOR WILDERNESS PLANNING

Mr. CHANDLER. Thank you. My name is Bill Chandler. And as a former executive director of Tennessee Citizens for Wilderness Planning, and as a native of Tennessee, I'm pleased to express the organization's support for S. 1947.

I will submit for the record a statement prepared by Leeann Russell of the organization's board of directors, and briefly summarize the points from that statement.

Senators Baker and Sasser have struck a compromise in this legislation that I think is worthy of enactment.

The legislation generously provides a settlement to the citizens of Swain County in lieu of road construction, and it provides protection for a spectacular biological and scenic resource.

We believe this compromise is fair, because the proposed cash settlement, which would provide for the economic development of Swain County, has been endorsed by the Swain County commissioners.

We believe the compromise is essential, because it removes the main obstacle to the protection of a highly scenic mountain area that is so rich in beauty and so diverse in vegetation that it has been designated an international biosphere reserve; a distinction which places it in the category with the Great Barrier Reef of Australia, and with Mr. Everest.

The reasonableness with which S. 1947 was drafted is indicated by the fact that the designation of this area as wilderness would in no way affect the use of Fontana Reservoir or of any of the present public use areas of the Great Smoky Mountains National Park.

The alternative bill, S. 2183, however, lack this balance. Therefore, we must express our strong opposition to it.

S. 2183 exclused from wilderness designation 67,000 acres of fragile mountain lands in the area north of the Fontana Reservoir and of Cherokee, NC. And worst of all is the mandating of the construction of the road into the Hazel Creek area.

The heavy earth-moving that would be necessary to cut and fill areas in order to connect and upgrade the existing back country roads would create eyesores, and would probably cause serious erosion and water pollution.

The area is famous for sulfur-bearing rock. And any construction through such rock would cause serious acid pollution of the area's creeks, and, ultimately, into Fontana Reservoir itself.

Furthermore, the proposed appropriation of approximately $1 million for the construction of even an unpaved road in such difficult terrain is not a realistic sum. The road could conceivable cost many millions of dollars.

We note that under the terms of S. 1947, access to the Hazel Creek area and to the cemeteries that it contains would be guaranteed.

We urge you to reject S. 2183, and to enact, with the small additions proposed today by Mr. Ray Payne, S. 1947.

Thank you for your attention.

[The prepared statement of the Tennessee Citizens for Wilderness Planning follows:]

TENNESSEE CITIZENS for WILDERNESS PLANNING

For The Preservation and Enjoyment of Our Wild Lands and Waters

130 Tabor Road
Oak Ridge, Tenn. 37830
Telephone 615-482-2153

Testimony presented by Tennessee Citizens for Wilderness Planning before the Subcommittee on Public Lands and Reserved Waters of the Senate Committee on Energy and Natural Resources, March 27, 1984, Washington, D.C.

Please enter this statement for the written record of the hearing on wilderness designation within the Great Smoky Mountains National Park.

Tennessee Citizens for Wilderness Planning (TCWP) is a statewide organization (with some members also in other states) which was founded in 1966. One of two major issues that led to the formation of TCWP was legislative designation of wilderness in the Great Smoky Mountains National Park (GSMNP). In the heavily populated eastern United States, the GSMNP preserves a piece of land (a tiny fraction of the area of this part of the country) in the condition in which our forefathers found it. And it is not just any piece of land: it is a highly scenic mountain area, beloved by tens of millions, and blessed with such a wealth and variety of vegetation that it earned the designation of International Biosphere Reserve.

The National Park Service (NPS), after years of careful study and consultation, arrived at a General Management Plan that classifies about 467,000 acres of the GSMNP as Natural Environment-Type 1 (NE-T1). NE-T1 lands have, for some time now, been managed as wilderness by NPS. This is the area proposed for inclusion in the National Wilderness Preservation System under the terms of S.1947, introduced by Senators Sasser and Baker. Such designation would in no way affect any of the present public-use areas within the Park, nor would it have any influence on the current use of Fontana Reservoir. TCWP strongly supports enactment of S.1947, with certain small additions, to be discussed below.

TCWP also supports the provision in S.1947 that Swain County, N.C., be paid $9.5 million, and, additionally, be relieved of an indebtedness (amounting, roughly, to another $1.3 million), such payments to constitute full settlement of all claims Swain County may have against any branches of the federal government on the basis of the agreement of July 30, 1943. We support this payment not because there has been any violation of the 1943 agreement -- for there has been no such violation (see footnote).* We support it because it presents the best opportunity to settle a long smoldering controversy that not only has for years prevented wilderness designation in the GSMNP, but has also constituted a strain on the citizens of Swain County. We also support it because it recognizes that, though there is no legal obligation, there is a moral one, and because the compromise (payment in lieu of Northshore road) was arrived at by a broadly based committee that was set up to reach a resolution to the conflict. This resolution is endorsed by the Swain County Commissioners. It allows, on the one hand, economic development of Swain County, and, on the other, inclusion of the area north of Fontana Reservoir within the legislatively designated wilderness area.

While TCWP strongly supports S.1947 (with small additions), TCWP strongly opposes S.2183 (Helms, East). The latter bill not only excludes the fragile lands north of Fontana Reservoir and north of Cherokee -- 67,000 acres in all -- from the wilderness, but it actually mandates the building of a road from the present terminus of the Northshore Road into the Hazel Creek area. That is, under the terms of S.2183, Swain County would get the $9.5 million from the taxpayer that was agreed upon as an alternative to the road, and get the road in addition. S.2183 should not even be considered a wilderness bill -- it would actually take away wilderness, since it would bring about the building of a destructive road into areas that are currently being managed as wilderness under the NE-T1 designation.

It should be noted that under the terms of S.1947, which we support, the cemetery access provisions for the Hazel Creek area would be continued. The NPS will continue to transport visitors free of charge across the lake and then by motorized vehicle to the cemeteries. Although this costs the taxpayer $30,000 a year, it is only decent and proper that this service be provided, even though, as reference to our footnote will show, the 1943 Agreement in no way promised access to the cemeteries. Furthermore, $30,000 annually is but a tiny fraction of what it would cost to build the road called for by the Helms-East bill and to maintain this road after it is built.

For these various reasons, we urge you to reject S.2183 and to enact S.1947 with some minor additions (of altogether less than 10,000 acres), which are shown in a map submitted at these hearings by the Great Smokies Park Wilderness Advocates, of which TCWP is a member organization.

Enactment of S.1947 (which small additions) would constitute a proper celebration of the 50th anniversary of the GSMNP and of the 20th anniversary of the Wilderness Act. Thank you.

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*Footnote

The 1943 Agreement, Sec. 4, last paragraph, reads as follows: "The obligation of the Department (of the Interior) to construct or provide for the construction of a Park Road [the so-called Bryson City-Fontana Northshore Road] as defined in this Section 4 shall be subject to and contingent in all respects upon the appropriation by Congress of all funds necessary for such construction, and failure on the part of Congress for any reason to make such appropriations shall not constitute a breach or violation of this agreement by the Department or any other party hereto."

Mr. BEVINETTO. Thank you, Mr. Chandler.
Dr. Norris.

STATEMENT OF DR. ELLIOTT A. NORSE, PUBLIC POLICY DIRECTOR, ECOLOGICAL SOCIETY OF AMERICA

Dr. NORSE. I am Elliott Norse, public policy director of the Ecological Society of America; North America's professional society of ecologists.

ESA was founded in 1915, and now has 6,500 member scientists in every State; including 300 in North Carolina and Tennessee. Nearly two-thirds of us are Ph.D.'s. We work in colleges and universities, Federal and State agencies, industries and conservation organizations.

Ecologists study the interactions of living things and their environment. And the Great Smoky Mountains National Park is one of the world's most important areas for ecological research.

It has an exceptional wealth of life. Although smaller than the tiny nation of Luxemborg, it has as many tree species as all Europe. It has been less disturbed by human activities than any major eastern forest ecosystem.

That's important, because ecologists need undisturbed areas to establish a base line of comparison with processes in the disturbed ecosystems that now make up almost all of America's landscape.

The value of the Smokies for research and training goes far beyond our borders, however. The park has been designated an international biosphere reserve by the 105 nations of the Man and the Biosphere Program.

Each year, University of Tennessee professor, Frank McCormick, goes there to teach students from Africa, Asia, and Latin America about the ecological basis of natural resource management.

They return from the Smokies to become leaders of their country's natural resource agencies.

Since abuse of the land in nations such as Lebanon and El Salvador leads to poverty, frustration and revolution, exporting sound natural resource management techniques, like those taught in the Smokies, contribute significantly to our national security.

When I went to the Smokies last fall, the campground had a distinctly unwilderness feel. Many plants were species of city lots or suburban lawns. Most were not even natives of the United States, but had entered our country surreptitiously.

People driving to the campsite had unintentionally brought in their seeds and had created the kind of disturbances that exotic weeds require.

But miles from the roads in the wilderness where no cars can go, all the plants were natives, that belonged to this magnificent area.

Although visited by millions of people each year, most of the park can be maintained as wilderness at little cost and great benefit to our country.

Building another road into the park would disturb more wilderness and bring in more exotic weeds. The National Park Service is already forced to spend taxpayers' money in the battle to keep 200 species of exotic weeds from taking over the park.

It's foolish to do anything that would require our spending even more money on this problem, and to spoil the wilderness character that makes the Great Smoky Mountains National Park so important to ecologists, to all Americans, and to the world.

For that reason, I hope that you will support S. 1947, the Baker-Sasser Bill.

[The prepared statement of Dr. Norse follows:]

Mr. BEVINETTO. Thank you, Dr. Norse.

Is Jack Davis here?

[No response.]

Evidently not.

I wish to thank the panel, and particularly Mr. Fox for your attachments to your testimony. They're very pertinent to this.

Mr. FOX. Voluminous at least.

I do want to mention one thing. Richard Bolen, president of the Smoky Mountains Hiking Club, had an appointment with an aircraft, so he had to leave. He did want to have me say for him that the Smoky Mountains Hiking Club supports S. 1947.

Mr. BEVINETTO. We have his statement, and it will be made a part of the record.

[The prepared statement of Mr. Bolen follows:]

The Ecological Society of America
ELLIOTT A. NORSE, Ph.D.; Public Policy Director
1601 Connecticut Avenue NW, Room 201
Washington, DC 20009
(202) 797-5566

TESTIMONY ON S. 1947, THE GREAT SMOKY MOUNTAINS WILDERNESS ACT

Presented to the Senate Subcommittee on Public Lands and Reserved Water

The Honorable Malcolm Wallop, Chairman

on

March 27, 1984

by

Elliott A. Norse

Mr. Chairman, members of the Subcommitte, Senate staff members and fellow guests, I appreciate the opportunity to testify on this important piece of legislation. I am Public Policy Director of **THE ECOLOGICAL SOCIETY OF AMERICA**, North America's professional society of ecologists. ESA was founded in 1915 and now has approximately 6500 member scientists living and working in every state (including more than 300 in North Carolina and Tennessee) and 64 other nations. Nearly two-thirds of us are Ph.D.s. We conduct research, teach and participate in decisionmaking in colleges and universities, federal and state agencies, industries and public interest organizations. For our first 68 years, we concentrated on strengthening our science and disseminatating our research findings by publishing **Ecology** and **Ecological Monographs**, the world's preeminent scientific journals in ecology. In 1983, recognizing the need to strengthen the scientific basis for national laws and federal policies, we opened our Washington Office to provide decisionmakers with expert ecological advice on national and international issues.

Ecologists study the interactions of animals, plants, microorganisms and their environment, and Great Smoky Mountains National Park is is one of the world's most important areas for ecological research. It contains the best developed forest ecosystems in the East. The geochemical complexity of the mountains has created an exceptional variety of soils. Rainfall in the Smokies is the highest in any mountains east of the Pacific slope of the Olympics of Washington. The Smokies are also the tallest mountains east of the Rockies. This creates more bands of biological communities, or life zones, than anywhere else in the East. In combination, these conditions have encouraged the accumulation of exceptional biological diversity in the Smokies. Although the Park is smaller than the tiny European nation of Luxembourg, there are about as many tree species in the Smokies as in the entire continent of Europe. While scientists have not yet catalogued all the species throughout the continental United States, we believe that only southern Arizona and the southern tip of Florida are richer in species.

Diverse soil types, favorable climate and high topographic relief are not the only reasons that Great Smoky Mountains National Park is outstandingly important for wild animals, plants, microorganisms and the scientists who work to discover their secrets. The Park has been less damaged by human activities than any major forested area in the East. The gigantic trees that once covered vast areas east of the Mississippi are long gone except in the Smokies, where scientists have recorded the worlds largest individuals of 17 tree species. This is significant for several reasons. While some wildlife species are most abundant in disturbed ecosystems such as young forests that have been cut in recent decades, other species are less abundant or do not occur at all in disturbed ecosystems, but are found only where the land has been undisturbed for centuries or more. These are now the rarest and most endangered species because the web of life is incurring progresively increasing strain from human activities. Ecologists take pains to seek out and study the species and ecosystems of the few remaining undisturbed areas so that they can identify basic ecological mechanisms that have developed over aeons of time and establish a baseline of comparison with the species and processes in disturbed ecosystems that now make up almost all of America's landscape.

Not surprisingly, their unique biological richness has made Great Smoky Mountains National Park an international treasure. One of the most seminal studies in the history of our science was carried out in the Smokies by eminent ecologist Robert H. Whittaker. In recent years, the Smokies have been studied by scientists from North Carolina, Tennessee, Illinois, Ohio, New York, West Germany, France, Japan and the Soviet Union. Each year, with funds from the US Agency for International Development, University of Tennessee ecologist Frank McCormick returns to the Smokies to teach a particularly influential class on the ecological basis of natural resource management to students from Third World Nations. Thus, the Smokies are the port from which America ships its understanding of the ways that people can live in sustainable harmony with their land and wildlife resources. These students bring what they learn in the Smokies with them when they return to Africa, Asia and Latin America to become the leaders of their countries' natural resource agencies. Given the history of disastrous abuse of the land in nations such as Lebanon and El Salvador, and the poverty, hunger and frustration that natural resource degradation breeds, the United States may well be more effective in preventing civil strife and revolution in the Third World by exporting sound natural resource management techniques of the kind taught in the Smokies than by exporting weapons.

In recognition of its unique scientific and conservation value, Great Smoky Mountains National Park has been named an International Biosphere Reserve by the 105 member nations of the Man and the Biosphere program. This status is accorded only to the world's most outstanding sites for conserving biological diversity and conducting research on the processes of natural ecosystems. As important as the Smokies are to the residents of North Carolina and Tennessee, their significance goes far beyond our borders.

I have some personal observations that reflect on the appropriateness of providing the protection of Wilderness status to the largest possible area of Great Smoky Mountains National Park. For the past two years, I have visited the Smokies, and I hope to return there to do research on birds later this Spring. Although I had visited eastern forests many times during my youth and development as an ecologist, my experiences of the last two years have shown me how uniquely important are the undisturbed ecosystems of the Smokies.

I was stunned on my first visit to see the enormous size of the living trees and the large number of huge fallen logs in various stages of decomposition. I reflected on why I had never seen such sights in all my previous wanderings through forests from Vermont to North Carolina. The forests in the Smokies were not the youthful, even-sized stands that experience the disturbance of cutting several times per century, but towering, cathedral-like, moss-draped ancients that have not been young since Jefferson wrote the Declaration of Independence or possibly since Columbus first set foot in the New World. These giant trees and logs provide habitat for animals, plants and microorganisms that cannot survive in the young, disturbed woodlands that dot our landscape. Freedom from disturbance gives these ecosystems a very different character, both in terms of aesthetics and ecology, and it is a freedom that exists on such a scale nowhere else.

On my second visit, I walked from a popular Great Smoky Mountains National Park campground in North Carolina onto progressively smaller and more primitive trails. In the campground, the distant scenery was all Smokies, but the immediate surroundings, even if I ignored the Winnebagos and buildings, had a distinctly unwilderness feel. I looked closer and saw that many of the plants were the same species that I could see in a city park, abandoned lot or suburban lawn. Most of these plants were not even natives of the United States, but had entered our country from Europe or Asia surreptitiously and stayed without permission. People had inadvertently brought in the seeds of these unwanted exotic plants to a site far from the nearest city, and and had created the kinds of disturbances that these weeds require to continue their existence. As I penetrated farther into the wilderness, and the trail narrowed from a dirt jeep trail to a horse trail to one only a human walker could traverse easily, I not only saw fewer people but also fewer exotic weeds, until all the plants I could recognize were the native species that belong in this magnificent area.

Although it is visited by millions of people each year, most of Great Smoky Mountains national Park is a wilderness, and can be maintained as wilderness at little cost and great benefit to our country. A broad spectrum of people concerned about natural resources, from leaders of national conservation organizations to former Interior Secretary James Watt, have emphasized the importance of sound management of our National Parks. Building another road into the Park would disturb more wilderness and bring in more exotic weeds. The National Park Service is already forced to spend taxpayers' money in the battle to keep nearly 200 species of exotic weeds from taking over the Park. It is foolish for us to do anything that would require our spending even more money on this problem, and to spoil the wilderness character that makes Great Smoky Mountains National Park so important to ecologists, to all Americans, and to the world.

Eighteen years ago, in a 1966 issue of Living Wilderness (attached), the scientists of The Ecological Society of America explained, as I have today, the importance of maximizing protection of the Smokies and preventing the incursion of new roads that would degrade this great natural resource. Until now, there has been little progress on Wilderness designation, and I believe that 18 years is more than enough time to wait before taking this necessary action. For this reason, I urge you to support S. 1947, the Baker-Sasser bill.

The Smokies An Ecological Asset

Statement of the Ecological Society of America
Regarding the Wilderness of the Great Smoky Mountains National Park.

THE GREAT SMOKY MOUNTAINS NATIONAL PARK is unique among the major national parks of this country, and especially is it unique among the eastern parks. This uniqueness stems from the fact that it is the most heavily visited park and at the same time contains the largest area of undisturbed wilderness and virgin forest areas in the eastern United States. In addition, it contains a large area which is returning to wilderness through the operation of natural forces abetted by the protection implicit in the park's operation. These wilderness tracts comprise some of the richest floristic and faunistic areas in the world. The combination of climate and topography has resulted in an unusual variety of species and communities which many scientists consider to be the center of origin for much of our post-glacial flora and fauna of the eastern United States.

Aside from being an unparalleled living museum and a source of education and inspiration to the visiting public, the park has a potential for ecological research which so greatly transcends the usual park needs for interpretive and management research that it puts the Great Smokies in the category of a national ecological resource.

The nation has entered a period of increased awareness and concern about our natural environments. This concern is well merited. Apart from the direct and indirect hazards to human health and well-being which may be a forthcoming by-product of increased pollution of the environments, the possible long-term impact of these by-products may have serious consequences for the maintenance of our advanced form of civilization. A case in point is the increasing build-up of carbon dioxide in the atmosphere resulting from the massive consumption of fossil fuels. Will there be such a build-up of CO_2? If so, what will be the consequences? Can we anticipate a warming of the earth's surface and a change of climate? These are major ecological questions which can best be answered by studies and research programs involving very large areas of undisturbed vegetation. This requirement of essentially wilderness areas composed of climax vegetation results from the need for detection and measurement of vegetation change—which is independent and buffered from disturbances or disruptions induced by man's activities. In other words, what is required for dependable measurements needed for sensing possible climatic change are ecological systems which are in a "steady state" and which are sufficiently large enough in area that measurements carried out over a number of years will represent the true baseline conditions against which future possible changes in our ecological environment may be compared.

The virgin forests and potential wilderness areas of the Great Smoky Mountains are such areas. Here we have the opportunity to obtain such critical measurements of ecosystems both in the "steady state" conditions as well as in ecosystems which are in the process of returning to steady state. The latter, represented by the large area west of U.S. 441, is an asset ecologically in that it can provide measurements, unavailable elsewhere, of orderly natural change back to the primitive state. The combination, therefore, of these two areas, one undisturbed and one recovering from disturbance in the same climatic region, is, as stated earlier, an unparalleled ecological resource.

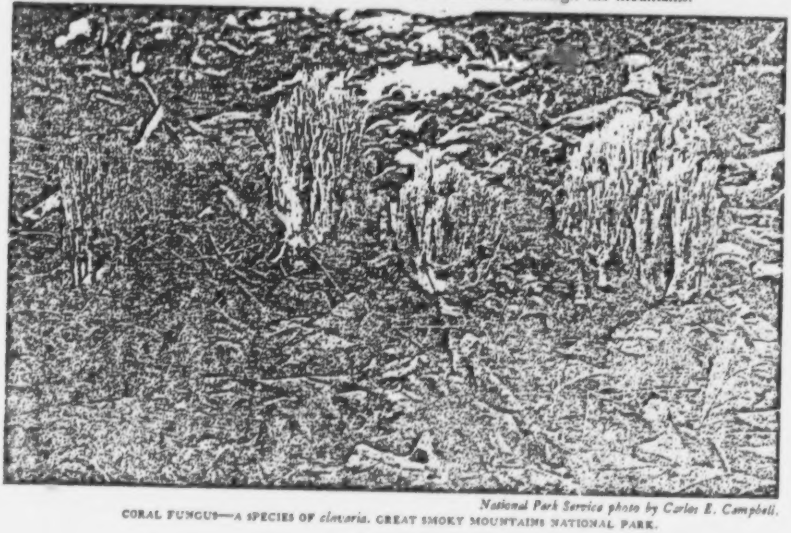
The wilderness plan outlined in the (Park Service) proposed management plan for the Great Smoky Mountains National Park *does not* recognize nor take into consideration this major value of the Park's resources. Rather the (Park Service) proposed wilderness plan, consisting as it does of six smaller wilderness parcels, seems aimed more toward providing for the recreational needs of the visitors; needs which can be met in other ways. Dividing the park in this way also opens the way for a network of roads which, with their accompanying disturbance and pollution, would spoil and deprive the areas of their needed buffering that can only be accomplishd by providing thousands of acres of adjacent protected wilderness.

Therefore, the Ecological Society of America recommends that those portions of the Great Smoky Mountains National Park which meet the definition of wilderness as defined in the Wilderness Act of September 1964 ought to be incorporated into the National Wilderness Preservation System.

The Ecological Society of America also recommends that the proposed Wilderness Plan of the National Park Service for the Great Smoky Mountains National Park *be set aside in favor of the scientifically more valuable wilderness plan* for the Great Smoky Mountains National Park as proposed by The Wilderness Society and the Smoky Mountains Hiking Club of Knoxville, Tennessee.

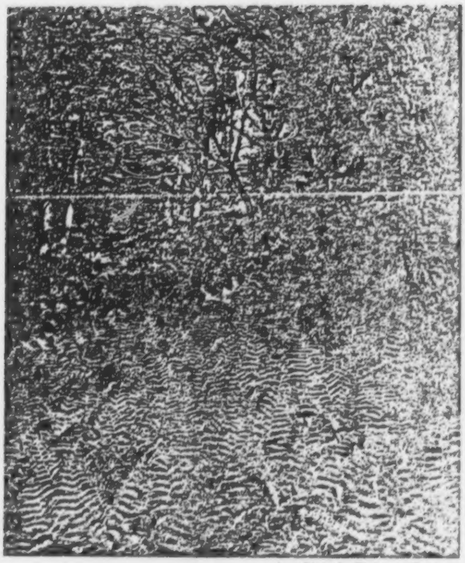
The construction of another transmountain road in the western part of the park is incompatible with the value of and need for the Park as an ecological resource as outlined in the earlier part of this statement.

Present-day engineering techniques of mountain road construction make no allowance for, nor do they even attempt to protect against, damage to adjacent forests and streams. These techniques call for gigantic cuts and compensating fills as a means of establishing a road base. As a result a wide, ugly, open scar is slashed through the mountains.



National Park Service photo by Carlos E. Campbell.

CORAL FUNGUS—A SPECIES OF *clavaria.* GREAT SMOKY MOUNTAINS NATIONAL PARK.



TALL MOUNTAIN FERNS IN THE GREAT SMOKIES.

Photo by Thompson Brothers.

Ecologically, such roads have serious long-term effects. The fills and shoulders drain into watersheds and headwaters of streams. In the present case these would be the headwaters of the tributaries of Hazel, Proctor and Forney Creeks which are magnificent primitive and undisturbed streams. The drainage from these road fills includes large quantities of mineral matter released by the combination of crushing and subsequent leaching by rain. Later as the roads are used regularly organic compounds of petroleum origin derived from vehicle exhaust systems are also incorporated in the fills and are subsequently leached into the streams. Other organic debris from garbage, picnic tables, etc. soon also enter the stream of alien substances and compounds entering the headwaters. The result of this new and foreign input is a change in the chemical balance of the stream waters which ultimately is reflected in a change of the ecological balance.

The construction and subsequent utilization of such a road has deleterious effects on the adjacent terrestrial ecosystems. The steep cuts and fills are subject to erosion and result in movement of large quantities of rock and soil materials into the forest below the road. The road also may serve as a pathway for bringing in exotic forms of plant and animal life which occupy the edges of the road where the habitat conditions have been altered. Eventually the result is a long, wide band of disturbance cutting through the wilderness area, which serves as a point of origin of gradually increased disturbance of the adjacent ecosystems.

Therefore, the Ecological Society of America strongly recommends that *no new transmountain road nor any other road be built* within the wilderness portions of the Great Smoky Mountains National Park now or hereafter.

One indication of the arrival of the new land ethic will be the tolerance of the majority who want the automobile to take them everywhere, for the minority *who want sanctuaries free of the noise and debris of civilization.*

—William O. Douglas, "A Wilderness Bill of Rights."

Mr. BEVINETTO. Thank you, Dr. Norse.

Is Jack Davis here?

[No response.]

Evidently not.

I wish to thank the panel, and particularly Mr. Fox for your attachments to your testimony. They're very pertinent to this.

Mr. FOX. Voluminous at least.

I do want to mention one thing. Richard Bolen, president of the Smoky Mountains Hiking Club, had an appointment with an aircraft, so he had to leave. He did want to have me say for him that the Smoky Mountains Hiking Club supports S. 1947.

Mr. BEVINETTO. We have his statement, and it will be made a part of the record.

[The prepared statement of Mr. Bolen follows:]

STATEMENT FOR THE OFFICAL RECORD OF THE HEARING HELD ON WILDERNESS FOR THE GREAT SMOKY MOUNTAINS NATIONAL PARK IN WASHINGTON, D.C. MARCH 27, 1984

1. INTRODUCTION

I am speaking on behalf of the Smoky Mountains Hiking Club, Inc., a four hundred member, sixty year old organization, which has been using and loving the Smokies since 1924. My own father was born in the mountains of Western North Carolina and moved to East Tennessee prior to my birth. I became intimately familiar with these mountains as a child during frequent visists with my Carolina relatives who often met in the mountains for week-long stays. I joined the Hiking Club as a teenager and continue to learn about these mountains, their biological and ecological value, their history, and their cultural impact. I am now a retired U.S. Marine Corps officer and am in the private practice of law in Knoxville. I have a deep personal involvement with the Smoky Mountains and strongly support the Smoky Mountains Hiking Club position herein presented.

2. SMOKY MOUNTAINS HIKING CLUB WILDERNESS POSITION

The Smoky Mountains Hiking Club enthusiastically supports S. 1947 as proposed by Senators Sasser and Baker.

The Great Smoky Mountains National Park proposal offers the opportunity to protect the largest wilderness area in the East. The Smoky Mountains Hiking Club was in favor of its inclusion when the Wilderness Act was enacted in 1964 and has been an outspoken proponent since.

Senators Helms and East have proposed an alternative bill, S. 2183, which would protect much of the Park but it specifically eliminates a 44,000 acre tract along the north shore of Fontana Lake. Thus, the issue is narrowed to whether or not to include the aforementioned tract in Wilderness protection for the Smokies.

Apparently our society has matured sufficiently so that there is not significant opposition remaining regarding the issue of whether or not the Smokies should be protected by Wilderness legislation but rather the issue is how much must be protected.

3. INCLUSION IS NECESSARY TO PROTECT THE SOUTHERN REGION OF THE PARK

When a Wilderness area is set aside to be protected, the ideal situation occurs when there is a natural barrier or boundary which impedes impact without artificial enforcement. Such a situation can be present with the Wilderness area extending to the edge of the lake.

The track of land in question was inhabited by settlers until TVA built Fontana Dam and purchased the track in 1943. After the people were removed, the tract was donated to the Department of Interior for inclusion in the Park. The inclusion now provides the Park with a natural, geographical boundary. If the tract is included from protection and a road is allowed to be built, the opening allows for an impact of automobiles and development, the impact of which can extend beyond the tract in question. Natural recovery which has been essentially uninterrupted for over 40 years will be reversed and the natural tranquility of the area will be disturbed. Moreover, poachers will have convenient road access. By preserving the natural boundary the entire area will be enhanced.

Wildlife, particularly the black bear, needs large tracts of unintruded areas for procreation. The 44,000 acre tract, if included in Wilderness, will extend the protected area to the lake edge and provide a superior undisturbed setting.

4. THE ROAD PROPOSED BY S.2183 IS NOT ONLY HARMFUL BUT UNNECESSARY

Proponents of the road claim the road was promoted by an agreement known as the '43 Agreement. The agreement was entered between TVA, Sate of North Carolina and Swain County, N.C. to compensate for Highway #288 which was inundated by Fontana Dam waters. Highway #288 provided for commerce from Bryan City West to Deals Gab and the citizens of Swain County had issued bonds. The road had been constructed in the 1920's but Swain County assumed the bond indebtedness in 1940. It was only fair three years later for the U.S. Government to promise compensation. This was done by payment of $400,000 and the agreement for the road. The payment left a balance of $300,0900 debt to the settled.

Subsequently, two significant factors have appeared so that the situation is dramatically altered.

First, the attempted construction of the north shore road revealed fragile geology (known as Anakeesta zones) which, when disturbed, leak acid into the surrounding terrain resulting in the death of plant and animal life. The continuation of the road would have resulted in the complete sterility of Fontana Lake and denuded it of life. The road was, therefore, abandoned.

Secondly, a superior road has been constructed south of Fontana Lake which provides for the disrupted commerce to the west and more than adequately replaces old NC. #288.

The remaining advocates for the north shore road are most vocally represented by the Cemetery Association which claims, falsely, that the north shore road was promoted to provide cemetery access. Although such a road would have accomplished that purpose, a close scrutiny of the records of that transaction will show that such an objective was not the contemplated purpose of the '43 Agreement.

The proposed settlement of the dispute, as incorporated in S.1947 is endorsed by the Swain County Commissioner and supported by their local congressmen. That agreement was first reached and made public in 1980. All of the officials have either been elected or re-elected since that settlement was reached. The people of Swain County have had the opportunity to speak and have done so through their local elections. A majority of the concerned citizens have endorsed this agreement through their elected representatives.

S.2183 merely opens up an emotionally charged issue that had been settled locally only to be debated again at the National level. What needs to be done now is for the Senate to pass S.1947 so that this old controversy can be finally laid to rest.

5. CONCLUSION

The exclusion of the families from the National Park area was a painful experience for the many citizens of both Tennessee and North Carolina who were required to give up their homes. I would have, indeed, been angry, hurt and resentful, had I been one of them. The deed, however, was done many years ago for the greater good of the citizens of the United States. For the same reason that those poor people were required to move, these lands now need to be preserved and the disputes laid to rest. Our future generations require it.

H. Richard Bolen
Knoxville, Tennessee
March 27, 1984

Mr. Bevinetto. The next panel is Ralph Jenkins, from Tapaco, NC; Ernie Dickerman, Swoope, VA; and Manley Fuller, from the National Wildlife Federation.

Mr. Jenkins.

STATEMENT OF JESSE RALPH JENKINS, GRAHAM COUNTY, NC

Mr. Jenkins. I'm Ralph Jenkins from Graham County, NC.

None of Graham County is in the national park, but we are next-door neighbors; separated only by the waters of Fontana and Cheoah Lakes.

One of our concerns with the entire park being designated as a wilderness is the highway system bordering the park.

The only highways that we have in Graham County are Highway 28, and U.S. 129. U.S. 129 north is a main route from Graham County to Knoxville, TN.

This highway borders on the national park from the North Carolina-Tennessee State line to the Chilhowee Lake; some 13 miles of very crooked road.

If ever this highway is to be improved, there would be a need to excavate curves from the national park land.

Highway 28 from Fontana down to the Tennessee State line is bordered on one side by the park, and on the other side by Cheoah Lake. The only way to improve this highway would be to excavate from the park.

I have a map attached to my testimony.

We're a small county in Graham. We don't have any four-lane roads, don't have any good two-lane roads. We don't have any industry that will come into the county because of the crooked roads. They can't get materials and equipment in and out.

The only possible reason I can see for changing this park, designating it as a wilderness, is to deprive forever the access to the north shore area of Fontana Lake.

A few years ago in Graham County, it was decided by the Congress to build a scenic highway on Government land from Robbinsville, NC, to Tellico Plains, TN. The environmental groups tried to stop this. And after several million dollars had been spent, they finally came up with the idea to place Slick Rock and Joyce Kilmer Forest into a wilderness.

Needless to say, we have several miles of paved road going nowhere. Congress ignored the local people and listened to the environmentalists.

I'm afraid that's what is happening now. The Government made a commitment to these people in Swain County and the people who were forced from their homes on the north shore of Fontana Lake. The environmental groups have so much power here in Washington that the Government will not meet this commitment.

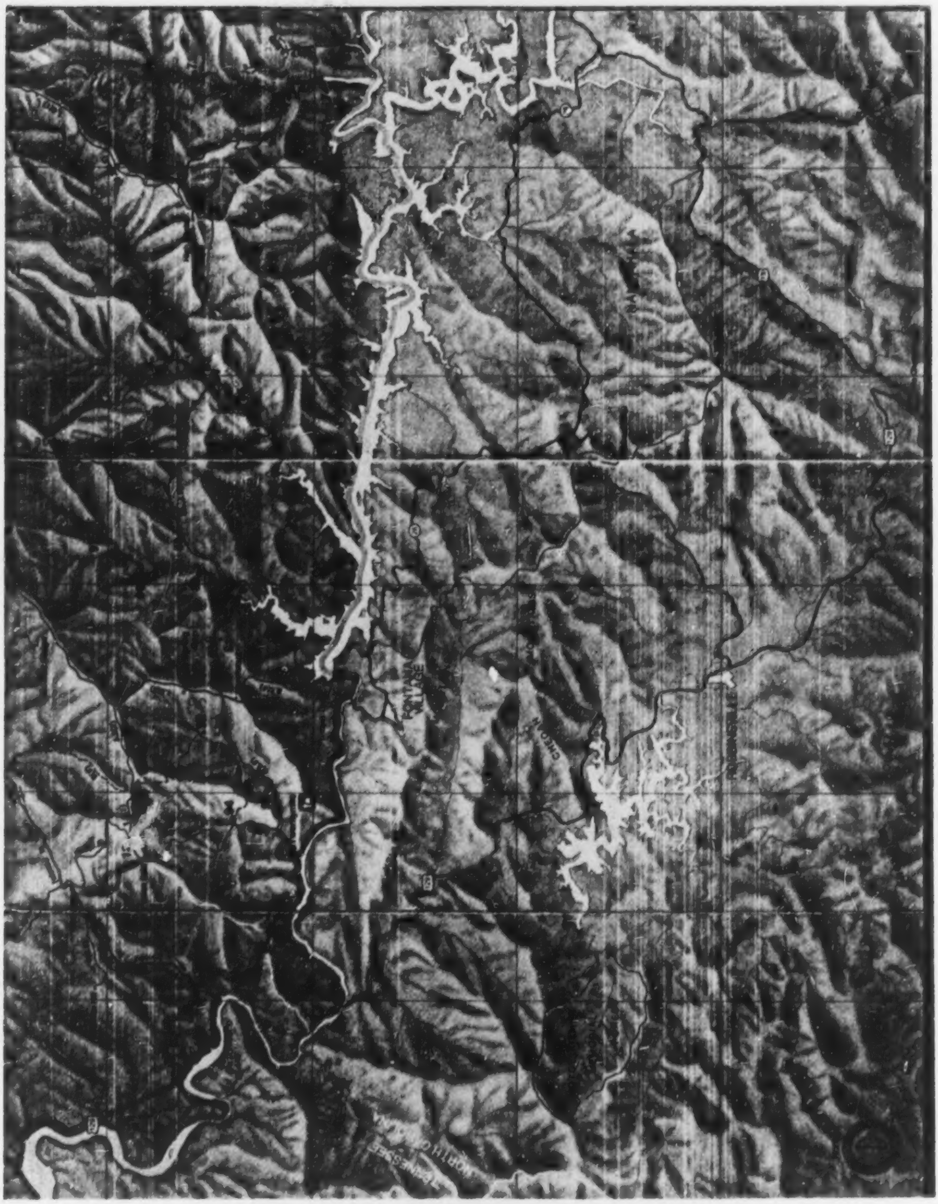
The entire population of Graham and Swain Counties combined is less than 20,000 people. We cannot compete with the Wilderness Society and the various environmental groups.

Before long, the mountain people of North Carolina are going to be put on the endangered species list.

I would please ask you to consider the local people before you act on this wilderness bill. If there has to be a bill, I would prefer Senator Helms' and Senator East's bill that leaves out the 44,000 acres.

Thank you.

[The map submitted by Mr. Jenkins follows:]


TENNESSEE
NORTH CAROLINA

Mr. BEVINETTO. Thank you, Mr. Jenkins.
Mr. Dickerman.

STATEMENT OF ERNEST M. DICKERMAN, SWOOPE, VA

Mr. DICKERMAN. My name is Ernest Dickerman, formerly of Tennessee, now living in Virginia.

My thanks to Senator Wallop and to the committee for this opportunity to testify before them.

I speak in support of S. 1947, as introduced by Senators Sasser and Baker.

I would like to make only two points in this oral testimony. The first one is this: The Wilderness Act is not an ideal piece of legislation, nor do we believe that we're applying the act to ideal wilderness, whether talking about the Great Smokies or talking about any other wilderness proposal.

The Wilderness Act itself has many exceptions in it as to what might be considered ideal wilderness. Notably is the definition of "wilderness" in section 2(c), which provides that works of man are acceptable within designated wilderness, provided that it is substantially unnoticeable.

Further, later on in the act under sections 4 (c) and (d), valid existing rights are specifically provided not to be affected by the Wilderness Act. That refers particularly to property rights, whether you're talking about cemetery access or anything else.

A prime purpose of designating any area as wilderness is that the Congress shall give directive to the managing agency. In the case of the Smokies Park, to the National Park Service, that they will administer the designated tract in such a way as to preserve its natural characteristics, and will not construct any new works of man herein.

The second point I would like to make is this: S. 1947 is already a compromise, a consensus among many individuals and varied organizations with differing views as to what, short of wilderness protection, should be given the park.

A prime example of that sort of effort for compromise is seen in what has been worked out in settlement of the 1943 agreement.

Initially, Swain County said a road through the north shore, nothing else. Wilderness proponents said wilderness for the 44,000 acres, which obviously would block one against the other.

Over the period of years, some 19 years now since the first wilderness proposal was drafted for the Smokies, it has been possible for Swain County and wilderness proponents to work out the settlement that we see in S. 1947.

The entire bill reflects this sort of negotiation by citizens with differing desires, and on the part of the Park Service to come to a satisfactory compromise.

I would urge this committee to recognize the delicate balance of compromises which are embodied in this 1947, and that the committee and the Congress refrain from upsetting those delicate compromises.

Thank you, Senator Wallop.

[The prepared statement of Mr. Dickerman follows:]

STATEMENT OF ERNEST M. DICKERMAN RE S. 1947, GREAT SMOKY MOUNTAINS WILDERNESS BILL, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES AT WASHINGTON, D.C.

MARCH 27, 1984

My name is Ernest M. Dickerman, address Rt. 1, Box 156, Swoope VA 24479, telephone (703) 885-8330. I am testifying today as an individual, in support of S. 1947, the Great Smoky Mountains Wilderness bill introduced by Senators Howard Baker and Jim Sasser, both of Tennessee.

Thank you Chairman Wallop and Members of the Subcommittee on Public Lands and Reserved Water, for the opportunity to appear before your Committee and to express my views on S. 1947. I trust that the Committee will find it possible to expedite its deliberations on this bill. We have waited 20 years for this legislation, during which there has been continuing discussion of the subject by numerous parties; public consensus has now been arrived at; this is the 50th anniversary year of the Great Smokies Park. Accordingly we hope that this Subcommittee and the full Committee will be disposed to join the consensus as expressed in the Baker-Sasser bill S. 1947 and seek its early enactment by the full Senate.

May I indicate the basis of my interest in this legislation. Tho now living in Virginia, for 35 years I lived at Knoxville, Tennessee and during those many years my principal liesure time activity was prowling in the Great Smoky Mountains, hiking and camping in the backcountry of the Great Smokies Park. For 20 years I have been working, together with others, to get the protection of the Wilderness Act for the extensive undeveloped portions of the Park: working since some of us drew up the first wilderness proposal for the Great Smokies in 1965; since the first National Park Service wilderness hearing held in June 1966 at which nearly 100 citizen witnesses testified in person for wilderness designation; and ever since as the citizens and the National Park Service steadily improved the wilderness proposal for the Park. Now on the occasion of the 50th anniversary of the official establishment of the Great Smokies Park, I and many other Americans have the opportunity to testify before this Committee in support of the excellent Great Smoky Mountains Wilderness bill introduced by Senators Sasser and Baker on October 7, 1983.

GENERAL COMMENT ON S. 1947

Commenting on S. 1947, the placement of approximately 467,000 acres of the Great Smokies Park in the National Wilderness Preservation System is excellent, as provided in Sec. 2 and as delineated on the National Park Service map titled "Proposed Management Zoning, Great Smoky Mountains National Park, North Carolina and Tennessee", dated March 1981. This encompasses substantially all of the undeveloped lands of the Park, exclusive of certain limited, specified areas reserved for special management for ecological or historical reasons.

At the same time this plan leaves open between 150 and 200 miles of motor vehicle roads for general public use within the Park. It permits additional development, as may become desirable, in such major developed areas as Cades Cove, Sugarlands and Smokemont plus a dozen or more smaller, identified areas. Access to existing cemeteries is recognized, as provided by law and recently upheld by the federal courts. Restricted management practices consistent with the Wilderness Act are recited in the bill. In short, S. 1947 provides for the genuine application of the Wilderness Act to the outstandingly high quality wilderness resource of the Great Smoky Mountains National Park.

PARSONS BRANCH ROAD

Expressing a personal desire, I would prefer that the Parsons Branch Road (running southwesterly thru the Park from the southwest corner of Cades Cove to US 129 highway) be included within the Wilderness System and be permanently closed. Even the possibility of this presently narrow, seasonal, one-way dirt road some day being converted to a full-scale park road, and offering a shortcut for thru traffic across the Park via Cades Cove, is bad. I suggest that at least there be strong language in the committee report declaring it the Congress' intent that the physical standards and use of this road not be raised from the present status described in the March 1981 "Proposed Management Zoning" and "General Management Plan".

SETTLEMENT OF 1943 AGREEMENT

Sec. 8 of S. 1947 provides for a cash payment and canceling of a federal debt for the benefit of Swain County, North Carolina, in full settlement of the July 30, 1943 Agreement. This Agreement called for construction of a new road to replace an ancient one flooded by TVA's Fontana Reservoir, which new road was never completed. Such a settlement seems a right and proper way to permanently dispose of this matter.

ALTERNATIVE BILL S. 2183

It seems necessary to comment on S. 2183 as filed by Senator Jesse Helms of North Carolina, which bill would substantially reduce the extent and quality of the wilderness resource of the Great Smokies Park. S. 2183 would do this by excluding from the protection of the Wilderness Act a 44,000 acre tract despite its clearly high wilderness characteristics; by requiring the construction of new roads within that tract; and by deferring the effective date of all statutory wilderness designation within the Park until construction has been accomplished of the proposed new motor vehicle roads.

Obviously none of these provisions contribute to a sound application of the Wilderness Act in the Great Smokies Park. On the contrary, their effect is to noticeably decrease the protection by the Wilderness Act of the Park, without need nor justification. Complete rejection of S. 2183 is the essence of wisdom.

DESIGNATED WILDERNESS FOR THE 44,000 ACRE TRACT

In some quarters a question has been raised as to whether the 44,000 acres acquired by the National Park Service from TVA under the Agreement of July 30, 1943 should be placed in the Wilderness System because of the privately retained mineral rights therein. There has been no development of any of these rights for more than fifty years, suggesting extremely low mineral values and little likelihood of their ever being exploited. Even during World War 2 the copper holdings of Cities Service Corporation (recently acquired by the Park Service) were not of sufficient economic worth to warrant their being worked.

Putting the 44,000 acre tract in the Wilderness System would in no way infringe on the property rights of the owners of the retained mineral rights because the Wilderness Act specifically provides in Secs. 4(c) and (d) that existing valid rights shall not be affected. Under wilderness designation these rights would continue unchanged from what they now are in consequence of being located within a national park.

It is far wiser to undertake the preservation of the full wilderness values of this tract by applying the Wilderness Act now than to refuse to do so because of a remote possibility that one or more of the retained mineral rights properties might some day be exploited. In fact, if ever faced with such a threat of development, there probably would be a vigorous public demand that the Congress promptly appropriate the needed money to buy out the particular mineral rights, simply because they were located within a great national park.

The 44,000 acres acquired under the 1943 Agreement should be included in the Great Smoky Mountains Wilderness, as the Baker-Sasser bill S. 1947 provides.

CONCLUSION

In conclusion, I urge that this committee give early approval to S. 1947 as introduced by Senators Howard Baker and Jim Sasser.

Thank you, Chairman Wallop and Members of the Committee.

Mr. Bevinetto. Thank you, Mr. Dickerman.

Mr. Fuller.

STATEMENT OF MANLEY K. FULLER, ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION, NORTH CAROLINA WILDLIFE FEDERATION, AND THE NORTH CAROLINA CHAPTER OF THE WILDLIFE SOCIETY

Mr. Fuller. Thank you, sir.

I'm Manley Fuller, representing the National Wildlife Federation, North Carolina Wildlife Federation, and the North Carolina chapter of the Wildlife Society.

The society will be submitting their written testimony to the committee by mail.

I'm a wildlife resource specialist in Raleigh, NC, at our National Wildlife Federation's field office.

To summarize my remarks; we strongly support the Baker-Sasser bill, S. 1947, and the Duncan-Clarke bill, H.R. 4262.

We believe that they recognize the immense ecological values of the Great Smoky Mountains National Park. We believe that designation of the 467,000 acres as wilderness, as appeared in the 1981 parks general management plan, to be in the best interest of natural resource conservation.

We believe that the advantage of wilderness designation is that it would prohibit unwise development which can have adverse impacts on fish and wildlife habitat.

We believe that the commitments made to local government are resolved by the $9.5 million funds to Swain County.

We do believe that access of citizens to their ancestral cemetery plots should be guaranteed, and we strongly support this.

We, therefore, urge that the Congress enact S. 1947 and H.R. 4262.

Thank you, sir.

[The prepared statement of Mr. Fuller follows:]

STATEMENT OF NATIONAL WILDLIFE FEDERATION AND NORTH CAROLINA WILDLIFE FEDERATION

Chairmen and members of the Senate ENERGY AND Natural Resources Committee it is a pleasure to be able to speak before you today. My name is Manley Fuller and I am a Wildlife Resource's Specialist for the National Wildlife Federation's Southeastern Natural Resources Center in Raleigh, North Carolina. The National Wildlife Federation is the nation's largest private conservation organization with over four million members and supporters. I am also representing our state affiliate the North Carolina Wildlife Federation which is the state's largest private conservation organization. The North Carolina Wildlife Federation has a long standing interest in the issues discussed today. Mr. Robert Hazel, President of the North Carolina Chapter of the Wildlife Society, (of which I am a member) has also requested that I submit his statement for the record.

We believe the designation of the majority of Great Smoky Mountains National Park as wilderness is in the best interests of natural resources conservation. The ecological significance of the Great Smoky Mountains National Park is almost incalculable. These lands are truly national treasures providing habitat for fish and wildlife, immense biological diversity, recreational values, and some of the most beautiful scenery in the world. Designation of wilderness areas in the park would mean that there would be no additional development or road construction and that the park would remain in its present condition which is currently about 10 percent undeveloped.

We are strongly opposed to new road construction within the park because of adverse effects on fish and wildlife habitat. We also support the Park's General Management Plan recommendation that 467,000 acres be designated as wilderness. Such designation would preclude future unsound development projects. For these reasons, the National Wildlife Federation, the North Carolina Wildlife Federation, and the North Carolina Chapter of the Wildlife Society all support S.1947 and H.R. 4262.

We believe that this legislation if enacted will protect the park from unwise development while providing a fair and equitable solution to commitments made to local government. Access for citizens to their ancestral cemetary plots will be continued under this legislation. We, therefore, urge that Congress enact S.1947 and H.R.4262. Again, thank you for the opportunity to testify at this field hearing.

Mr. BEVINETTO. Thank you. And we wish to thank the panel.

The hearing record will remain open for 2 weeks following today.

The hearing stands adjourned, subject to the call of the Chair.

[Whereupon, at 1:20 p.m., the hearing was adjourned, subject to the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

APPALACHIAN TRAIL
CONFERENCE
P.O. BOX 807
HARPERS FERRY, WV 25425-0807
TELEPHONE (304) 535-6331

S. 1947
HR

April 10, 1984

Honorable Malcolm Wallop, Chairman
Subcommittee on Public Lands and
Reserved Waters
Room 360
Dirksen Office Building
Washington, D.C. 20510

Dear Senator Wallop:

I am writing in regard to your present considerations of S.1967 and S.2183, or legislation to designate a Great Smoky Mountains Wilderness.

As you know the Appalachian Trail Conference is a private, nonprofit, educational organization composed of approximately 18,000 members as well as over 60 hiking and outing clubs representing an estimated 60,000 individuals. For 57 years the Conference has coordinated private efforts to develop, maintain and preserve the Appalachian Trail.

The Appalachian Trail, one of our nation's first national scenic trails, is a continuous, marked footpath which traverses the Appalachian Mountain chain from Maine to Georgia for a distance of over 2,100 miles. Along its route the Trail crosses eight national forests, six units of the national park system, and more than 60 public land areas in 14 states.

Since the early 1920's, when the concept of an Appalachian Trail was first envisioned, the Trail has been viewed as a means for the people of the populated eastern United States to gain access to the vast array of wild and scenic areas along its route. Moreover, the Appalachian Trail Conference has consistently sought to preserve the many remote and primeval areas, as well as the great diversity of landscapes, throughout the range of the Trail.

Given this background, it is not surprising that we have generally supported the concept of eastern wilderness designation. Indeed, we believe that the preservation of eastern wilderness areas in the vicinity of the Appalachian Trail can significantly enhance the recreational experience of Trail users. We also believe that the Trail and related facilities represents a compatible and complementary use within such areas.

Raymond F. Hunt
Chairman
Earl Jette
Vice Chairman
David L. Raphael
Vice Chairman
Margaret C. Drummond
Vice Chairman

Arthur P. Foley
Treasurer
Thurston Griggs
Secretary
Charles Sloan
Corresponding Secretary

New England Region:
Judith K. Bessancon
David B. Field
Ralph H. Goodno, Jr.
Lester C. Kenway
Harry T. Peet, Jr.
Stephen K. Rice

Middle Region:
Craig Dunn
Tom Floyd
Lawrence J. Gross
John A. Guerin
M. Scott Johnson
Ronald J. Tipton

Southern Region:
John S. Albright
Charles A. Blankenship
James L. Botts
V. Collins Chew
Sara H. Davis
Reese F. Lukei, Jr.

Laurence R. Van Meter
Executive Director

A Volunteer Nonprofit Corporation Dedicated To The Maintenance And Preservation Of The Appalachian Trail.

With respect to S.1967 and S.2183, approximately 68 miles of the Appalachian Trail extend through the proposed Great Smoky Mountains Wilderness. In addition 14 Trail shelters exist within the area. Recognizing that virtually all of the lands traversed by the Trail have traditionally been managed to preserve their wilderness values, and recognizing further that the Appalachian Trail and related shelters have long provided a means for the public to access and enjoy these exceptional areas, the Appalachian Trail Conference stongly endorses designation of a Great Smoky Mountain Wilderness, preferably in accordance with the provisions of S.1947.

We do, however, wish to express some reservations which we hope may be reflected in the bill, as formulated by the Committee, or in the Committee's report accompanying the bill. On occasion we have experienced some difficulties occasioned by managing federal agency interpretations of wilderness designation as it relates to Appalachian Trail management practices within such areas. These difficulties have tended to center around three basic issues, as follows:

- o Trail marking - standard footpath marking for the entire length of the Appalachian Trail is 2" x 6" white vertical rectangular paint blazes spaced at regular intervals. These markings guide hikers along the route and are particularly important in areas or weather conditions when the direction of the footpath is not obvious. In some instances, managing agencies in designated wilderness areas have removed blazes or reduced the frequency of blazing with the predictable result of Trail users becoming disoriented or lost.

- o Tread improvements - in order to provide for effective erosion control and public safety the Trail tread is occasionally relocated or a variety of man-made devices are provided along the Trail such as log or rock waterbars and simple bridges across streams. While these devices are generally constructed from local, natural materials and appear rustic, they have on occasion been interpreted as "intrusions" in a designated wilderness area by managing agencies. The authority to make minor tread relocations within wilderness areas has also been questioned.

- o Trail shelters - a system of over 200 shelters, spaced at approximately one-day hiking intervals, has been a traditional management practice along the Appalachian Trail. Most shelters are open-faced lean-tos constructed of lumber, logs, or rocks with a user capacity of six to ten people. These facilities have not been provided merely as a convenience to Trail users. They are intended to provide shelter from inclement weather and to concentrate overnight use in limited, designated areas and thus reduce wide spread impacts to a resource area. Again, these structures have been viewed by some agencies as intrusions or non-conforming uses and have been allowed to deteriorate and been removed.

In expressing concern over these issues it is not our intent to unduly restrict prudent resource management decisions on the part of managing federal agencies. But we believe that in the majority of instances traditional management practices for the Appalachian Trail, including marking, tread improvements, and shelter facilities, have developed in response to legitimate concerns for the resource base. In general these practices have evolved through consultations between the managing agencies, the Appalachian Trail Conference, and our affiliated clubs who provide significant amounts of volunteer service in Trail maintenance and construction.

We believe these practices should continue in designated wilderness areas as well as other federally managed areas along the Appalachian Trail. We therefore respectfully request that the Committee recognize the Appalachian Trail within the proposed Great Smoky Mountains Wilderness as an existing and compatible use and encourage the responsible agency to continue traditional management practices associated with this use, including consultation with the Appalachian Trail Conference and other interested organizations. We have taken the liberty of including suggested language addressing the above issues. We hope that your Committee will elect to provide this direction to the managing agency either through appropriate report language or through bill language.

Finally, we wish to join with other witnesses before your committee in encouraging recognition of the Benton MacKaye Trail through appropriate report language. While the route of this trail is not yet fully established in the GSMNP, we believe the Benton MacKaye Trail, like the Appalachian Trail, is fully compatible with wilderness designation.

Sincerely,

David N. Startzell

David N. Startzell
Associate Director

DNS/neo

The Committee notes that many miles of the Appalachian Trail extend through the proposed wilderness. In designating the wilderness, the Committee believes that the trail and its related structures represent a desirable existing use which is deemend compatible with wilderness designations in the area. Specifically, the Committee would request the Secretary to continue traditional management practices for this use, including trail marking and footpath maintenance. Structure maintenance may also be permitted and desirable for the protection of the wilderness and health and safety of persons within the area. Management decisions in this regard should be developed in consultation and coordination with the Appalachian Trail Conference and other interested organizations and individuals.

Defenders
OF WILDLIFE

April 6, 1984

1984 APR -9 PM 4: 38

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
803 Senate Dirksen Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

The following is offered as the testimony of Defenders of Wildlife in support of S. 1947, the Baker/Sasser Great Smokies Wilderness Bill. This is an historic opportunity to achieve wilderness protection for most of the Great Smoky Mountains National Park. We support wilderness protection of the 467,000 acres provided by the bill and which has also been recommended by the National Park Service. Furthermore, Defenders commends the authors of the bill, who have sought through this legislation to resolve the controversy surrounding the "1943 Agreement" between the Tennessee Valley Authority, the Department of Interior, and Swain County, North Carolina.

For 40 years, road construction in the Smokies has been a controversial subject pursuant to the "1943 Agreement," which allowed TVA to flood thousands of acres and a number of roads in order to create Fontana Lake. The loss of land and roads was to be offset by the Park Service's commitment to Swain County to construct a new road (which has not been built) north of the lake. The Baker/Sasser bill would resolve this controversy with a cash settlement to Swain County of $9.5 million.

In the House, an almost identical bill has been introduced by Representatives John Duncan of Tennessee and James Clarke of North Carolina. We would recommend that this Senate committee adopt the language in the House bill, H.R. 3547, which would provide immediate payment to Swain County by simultaneous authorization and appropriation.

Unfortunately, Senators Jesse Helms and John East of North Carolina have introduced their own ill-conceived bill for the Smokies. The Helms/East bill would designate 67,000 acres less wilderness than the Baker/Sasser bill and calls for the construction of a road across several steep ridges and creeks in the southwest portion of the park. The road would not only cause serious environmental damage and erosion, but would also open the area to motor vehicles and increased poaching of wildlife. The road would provide access to some two dozen small cemeteries in the park, which became inaccessible by car when Fontana Lake was created in 1943. Currently, the National Park Service provides transportation to and from the cemeteries by boat and four-wheel drive vans, which is far more economical and far less damaging than construction of a road. Defenders will make every effort to assure no bill is passed by this Congress rather than accept the provisions found in the Helms/East bill.

1244 NINETEENTH STREET, NW • WASHINGTON, DC 20036 • (202) 659-9510

Preserving the natural beauty and the unique ecological value of the Great Smokies has long been the goal of a broad spectrum of citizen groups and individuals throughout Tennessee, North Carolina, and the nation. Exactly 50 years ago this June, President Franklin Roosevelt spoke at Newfound Gap to dedicate the Great Smokies as a new national park. Today, feeling is strong that most of the park should remain exactly as it is. That means no additional development nor road building and that the park be preserved in perpetuity in its present condition, with about 90 percent to remain wild and natural.

I urge you and the members of this committee to support the Park Service wilderness recommendations for the Great Smoky Mountains National Park as reflected in the Baker/Sasser and Duncan/Clarke bills.

Yours truly,

Allen E. Smith

Allen E. Smith
President
Defenders of Wildlife

AES:SP/cac

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
C. C. Hope, Jr.,
[illegible], Secretary

N.C. NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

MRS CORINNE A KILLIAN
ADMINISTRATIVE SECRETARY

BOX 746, WAYNESVILLE 28786
TELEPHONE 704 456-5360

DAVID F FELMET
CHAIRMAN
WAYNESVILLE

TO: SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER OF THE UNITED STATES SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
HEARING ON THE GREAT SMOKY MOUNTAINS WILDERNESS ACT
Senate Bill 1947 and Senate Bill 2183

March 27, 1984

STATEMENT OF DAVID F. FELMET, Chairman, North Carolina National Park, Parkway and Forests Development Council

Mr. Chairman:

For almost 40 years the North Carolina National Park, Parkway and Forests Development Council has supported Swain County, North Carolina in every effort to resolve the 1943 Agreement. For 40 years, every proposal has met with failure. Little wonder that Swain County has lost faith in the National Park Service as well as in the Federal Government!

In 1978 Mr. Cecil Andrus, then Secretary of the Interior, made a commitment to resolve the 1943 Agreement. At his direction an Ad Hoc Committee was formed. It included from Swain County 2 men appointed by the out-going County Commissioners and 2 men appointed by the in-coming County Commissioners, resulting in bi-partisan representation from Swain County. After almost two years of meetings and hard work, this committee put together a 12 Point Proposal which was acceptable to Swain County.

We now have Senate Bill Number 1947, for which we have diligently sought bi-partisan support. It has been unanimously endorsed by the Swain County Board of Commissioners, the Bryson City Board of Aldermen, the Governors of both North Carolina and Tennessee, and the Tennessee Great Smoky Mountains Park Commission.

It contains the cash settlement, which in the past has been a stumbling block to resolution of the 1943 agreement.

The National Park Service is attempting to carry out those items over which it has jurisdiction, including Item No. 7: "Provide maintenance, access, and transportation to the cemeteries in the Swain County area of the Park". This is now being done at an annual cost of approximately $30,000 for transportation alone. This, in my opinion, eliminates the necessity of cutting a road across three undisturbed watersheds from Noland Creek to Hazel Creek.

Even of greater concern is the term "Primitive Road". This type of road could only mean a road under administrative control and would not and could not be open to the public for unlimited use, but would be behind locked gates and only accessible by request of the Cemetery Association. Other groups would eventually insist on the same right of use and the final result would be a paved highway into the wilderness area now known as Hazel Creek.

Our Council has been opposed to a wilderness designation for the Great Smoky Mountains National Park until a just settlement has been made with Swain County. Either Bill, S 1947 or S 2183, should clearly spell out that no wilderness designation should apply until the cash settlement has been made with Swain County.

Senate Bill 2183 Section 5, page 6, lines 1 through 6 allows the Secretary of Interior to assure access to the cemeteries. Lines 4, 5, 6 should not require the Secretary to consult with the "Hazel Creek Cemetery Association".

Fourteen miles of mountain road, even a primitive one, can be very expensive to build and maintain. Should a limit of $950,000 prove to be insufficient to complete the road, it is possible that we would have a continuation of "the road to nowhere".

In conclusion, Mr. Chairman, these items should have precedence:

1. A cash settlement for Swain County of $9.5 million dollars.
2. Forgiveness of the Farmers Home Administration loan for the Swain County High School.
3. The Park Service to continue, in perpetuity, to provide access to the cemeteries regardless of wilderness designation.
4. The Park Service should as rapidly as possible complete the developments contained in the 1982 Master Plan for the Park, specifically the Tom Branch Road, the Deep Creek area, and the Laurel Branch development.

Thank you.

****

Attached: Council Resolution of October 18, 1983
Council Resolution of January 9, 1984

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor

C. C. Hope, Jr.,
~~D. M. Faircloth~~, Secretary

NC NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

[illegible]
ADMINISTRATIVE SECRETARY

[illegible]
TELEPHONE [illegible]

[illegible]
CHAIRMAN
[illegible]

RESOLUTION

WHEREAS, on October 7, 1983, Senate Bill number 1947 was introduced in the Senate of the United States Congress by Senator Jim Sasser of Tennessee, for himself and Senator Howard Baker, for the purposes of designating certain lands in the Great Smoky Mountains National Park as wilderness; and providing for settlement of all claims of Swain County, North Carolina against the United States under the agreement dated July 30, 1943, and for other purposes; and

WHEREAS, the position of the North Carolina National Park, Parkway and Forests Development Council in the past has been to support no wilderness legislation for Great Smoky Mountains National Park until the long-standing contract of 1943 between the federal government and Swain County, North Carolina was satisfied;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, in regular meeting assembled on October 18, 1983 recognized that S. 1947 offers a solution to the 1943 agreement; therefore did unanimously endorse S. 1947 and does urge North Carolina Senators Jesse B. Helms, Jr. and John P. East to join with the two senators from Tennessee in support of its passage and enaction.

****

I, Corinne A. Withers, administrative secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted on October 18, 1983 and permanently recorded in the minutes of that meeting.

October 19, 1983

Corinne A. Withers,
Administrative Secretary

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
C. C. Hope, Jr ,
[illegible], Secretary

N.C. NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

MRS. CORINNE A. KILLIAN
ADMINISTRATIVE SECRETARY

BOX 746 WAYNESVILLE 28786
TELEPHONE 704 456 5360

DAVID F. FELMET
CHAIRMAN
WAYNESVILLE

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council in regular meeting assembled on October 18, 1983 unanimously passed a resolution endorsing Senate Bill number 1947, introduced in the United States Congress by Senators Sasser and Baker of Tennessee; and

WHEREAS, on the 12th day of December, 1983 the Swain County, North Carolina Board of County Commissioners passed by unanimous vote a resolution endorsing and supporting passage of the bipartisan legislation currently pending before Congress, to-wit: Senate Bill 1947 and House Bill 4262; and

WHEREAS, on the 13th day of December, 1983 the Bryson City, North Carolina Town Board of Aldermen also unanimously passed a resolution for the same purpose;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, taking into consideration this strong support by both the Swain County Board of County Commissioners and the Bryson City Board of Aldermen, does wish to reiterate and emphasize our support of S 1947 and further, does commend the efforts by Swain County, North Carolina to resolve the long-standing 1943 agreement.

****

I, Corinne A. Withers, Administrative Secretary to the North Carolina National Park, Parkway and Forests Development Council, hereby certify the foregoing to be a true and correct copy of resolution unanimously adopted at the January 9, 1984 meeting and permanently recorded in its minutes.

Corinne A. Withers
Corinne A. Withers,
Administrative Secretary

North Carolina
Department of Commerce

James B. Hunt, Jr., Governor
D.M. Faircloth, Secretary

N.C. NATIONAL PARK
PARKWAY AND
FORESTS DEVELOPMENT
COUNCIL

MRS. CORINNE A. [illegible]
ADMINISTRATIVE SECRETARY

[illegible]
TELEPHONE [illegible]

A regular quarterly meeting of the North Carolina National Park, Parkway and Forests Development Council was held on Monday, January 9, 1984 in the conference room of the Federal Building, Waynesville, N. C. beginning at 10:30 a.m. with Chairman David F. Felmet presiding.

ATTENDANCE: David F. Felmet, R. V. Jenkins, Bennett Arvey, Tom L. Mallonee, Bob Sloan, Ed Israel and Corinne A. Withers, Administrative Secretary. Excused absence: Ralph J. Gwaltney.

Also present were: George A. Olson, Supervisor of National Forests in N. C.; Gary Everhardt, Superintendent, Blue Ridge Parkway; Jerry Eubanks, Assistant Superintendent, Great Smoky Mountains National Park; Leroy Fox, Chairman, Tennessee Park Commission; Frank H. Brown, Jr., Chairman, Cherokee Historical Association; Aaron Hyatt, President, Western N. C. Associated Communities; James Ryan, National Park Service; John Nelson, Resource Conservation & Development, U. S. Soil Conservation Service; and Bob Scott, representing the Asheville Citizen-Times.

REPORTS: NATIONAL FORESTS IN NORTH CAROLINA

Following Mr. Olson's report which is attached, there was discussion regarding hunters' proposals to extend stocking areas for wild hogs. Upon motion by Ed Israel, seconded by Bob Sloan and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council, in regular meeting assembled on January 9, 1984, discussed the proposal of hunting interests from several counties in Western North Carolina to extend stocking locations of wild hogs; and

WHEREAS, this Council recognizes that wild hogs are aggressive feeders, with high reproductive capacities, no natural predators, and due to their rooting and wallowing can adversely affect forest plant life as well as adjacent agricultural crops; and

WHEREAS, important questions have not yet been resolved as to their impact on native animal populations such as deer, which utilize the same food sources; and to ground-nesting wild turkey and grouse;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council unanimously opposes extending wild hog stocking outside the present Santeetlah stocking area until such time as the United States Forest Service can complete studies and make decisions based upon these impacts.

****

The second report, which is attached, was by Superintendent Gary Everhardt for the Blue Ridge Parkway; and the third for Great Smoky Mountains National Park by Assistant Superintendent Jerry Eubanks.

Leroy Fox, Chairman of the Tennessee Great Smoky Mountains Park Commission, stated that a delegation from Tennessee would go to Washington to testify at the hearings on the wilderness legislation for Great Smoky Mountains National Park. He urged bi-state support for the Sasser/Baker bill, also individual telephone calls to legislators by Council members and individuals.

Following discussion of the resolutions of the Swain County Board of Commissioners and the Bryson City Board of Aldermen for the Sasser/Baker bill, upon motion by Tom Mallonee, seconded by Ed Israel and unanimously carried, the following resolution was adopted:

RESOLUTION

WHEREAS, the North Carolina National Park, Parkway and Forests Development Council in regular meeting assembled on October 18, 1983 unanimously passed a resolution endorsing Senate Bill number 1947, introduced in the United States Congress by Senators Sasser and Baker of Tennessee; and

WHEREAS, on the 12th day of December, 1983 the Swain County, North Carolina Board of County Commissioners passed by unanimous vote a resolution endorsing and supporting passage of the bipartisan legislation currently pending before Congress, to-wit: Senate Bill 1947 and House Bill 4262; and

WHEREAS, on the 13th day of December, 1983 the Bryson City, North Carolina Town Board of Aldermen also unanimously passed a resolution for the same purpose;

NOW THEREFORE, BE IT RESOLVED that the North Carolina National Park, Parkway and Forests Development Council, taking into consideration this strong support by both the Swain County Board of County Commissioners and the Bryson City Board of Aldermen, does wish to reiterate and emphasize our support of S 1947 and further, does commend the efforts by Swain County, North Carolina to resolve the long-standing 1943 agreement.

****

NORTH CAROLINA
WILDLIFE
FEDERATION
P.O. Box 10626
RALEIGH, NORTH CAROLINA 27605 - 0626
(919) 833-1923

March 28, 1984

Subject: Smoky Mountains Wilderness Bill

Our membership adopted a Resolution at our recent Annual Meeting concerning our support of the referenced bill. The Resolution is enclosed for your reference.

In summary, we oppose the "North Shore Road" and we fully support designation of the wilderness area.

Please provide me with your position on the legislation in order that I may convey it to our membership.

Respectfully,

Gregory A Boyle

GREGORY A. BOYLE
Secretary
P. O. Box 236
McLeansville, NC 27301

Enclosure

Letter to:
Senator Jesse Helms
Senator John P. East
Honorable Walter B. Jones
Honorable I. T. Valentine, Jr.
Honorable Charles Whitley
Honorable Ike F. Andrews
Honorable Stephen L. Neal
Honorable C. Robin Britt
Honorable Charles G. Rose III
Honorable W. G. Heffner
Honorable James C. Martin
Honorable James T. Broyhill
Honorable James McClure Clarke

NORTH CAROLINA WILDLIFE FEDERATION
P.O. Box 10626
RALEIGH, NORTH CAROLINA 27605 - 0626
(919) 833-1923

RESOLUTION

SMOKY MOUNTAINS WILDERNESS BILL

WHEREAS, the wilderness designation for the majority of the Great Smoky Mountains National Park is in the best interests of natural resources conservation; and

WHEREAS, the Great Smoky Mountains National Park lands are truly national treasures providing habitat for fish and wildlife, immense biological diversity, recreational values, and some of the most beautiful scenery in the world; and

WHEREAS, designation of wilderness areas in the park would mean that there would be no additional development or road construction and that the park would remain in its present condition which is currently about ten percent undeveloped; and

WHEREAS, the park must be protected from unwise development while providing a fair and equitable solution to commitments made to local government as well as providing access for citizens to their ancestral cemetary plots must be continued. Now therefore,

BE IT RESOLVED that the North Carolina Wildlife Federation assembled at its annual meeting this 25th day of March, 1984 in Raleigh, North Carolina strongly opposes new road construction within the park because of adverse effects on fish and wildlife habitat. We also support the 1981 Park's General Management Plan recommendation that 467,000 acres be designated as wilderness. For these reasons, we support the "Baker-Sasser Bill" S-1947 and the "Duncan-Clarke Bill" HR-4262.

H. Ray Taylor
H. Ray Taylor
President

FTR
S. 1947

W. C. Waggener
524 Avon Circle
Knoxville, Tennessee 37919

1984 MAR 26 AM 11: 08

March 21, 1984

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
United States Senate
Washington, D.C. 20510

Dear Senator:

My love and appreciation of the beauty and uniqueness of the Great Smokies National Park goes back to my days as a student technician in the Land-planning Division of TVA (48 years ago). I have hiked and camped in every area since then. I served for a number of years as a Volunteer in the Park, working with the Park Service.

I have always been concerned with the necessity of preserving the wilderness, and spoke against the proposed second trans-mountain road at the first Wilderness Hearings held in Gatlinburg in 1967.

I support Bill S-1947 (the Baker-Sasser Bill) and strongly oppose Bill S-2183 (the Helms-East Bill). The latter Bill leaves large, important areas out of the statutory wilderness, but worse, it mandates the construc tion of roads through these excluded areas.

Sincerely,

W. Cole Waggener

[illegible] Ewald
[illegible] Road
K[illegible] 37923

3/23/84
FYR
S. 1947

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Waters
United States Senate
Washington, D.C. 20510

1984 MAR 26 AM 11: 28

Dear Senator Wallop: Subj.-Great Smokies Wilderness Bills

Would you please include the following comment in the record for hearings on the Smokies Wilderness Bills which, I believe, are scheduled for March 27:

In visiting, over a 45 year period, all the points of interest in the Smokies Park, riding all the roads, and hiking nearly all the trails, I have been impressed with the wisdom shown and the effort expended by the many people who organized and carried out the job of setting up the Park 50 years ago. I have been impressed with how well the inhabited lands have recovered to restore the natural beauty of the area which attracts more visitors than any other in the USA. I am also impressed with the wisdom expressed and the need for the wilderness bill designation of 467,000 acres as called for by the Sasser-Baker bill S.1947. It will be our only real guarantee that the Park will remain the natural attractant that it is.

Concurrently, in those 45 years I have been impressed with the great sentimental sacrifices made by thousands of people who had to give up their homes to help establish such a National Park, and in the care and concern that the Smokies Park people have shown to these folks in their connections with the homeland as well as to the millions of new visitors coming to see this impressive part of our country. I believe that the Helms-East bill designating a reduced acreage would wreck the chance to finally preserve the Smokies Park in its entirety, in this, its 50th anniversary, and that the few remaining problems, so close to solution, would be exacerbated.

Sincerely yours,

Philip Ewald

Philip Ewald

FYR
S. 1947

345 East Tennessee Avenue
Oak Ridge, Tennessee 37830
March 23, 1984

1984 MAR 23 AM 11:44

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

Since the passage of the Wilderness Act in 1964 I have been actively supporting a Great Smoky Mountains Wilderness. Bills introduced in the Congress in the past have been ignored. Currently, there are two bills, one of which I can support.

S.1947, the Baker-Sasser bill, designates 467,000 acres minimum for wilderness. While I personally believe the acreage should be vastly larger (in the neighborhood of 500,00 acres), I will support the Baker-Sasser bill.

Senators Helms and East have also introduced a bill but it calls for vastly reduced acreage and opens the door to more road construction. This is a terrible bill and should be rejected out-of-hand. Clearly, the North Carolina senators want only to be obstructionists. Therefore, I urge you to reject the Helms-East bill. You should know that I will actively work in opposition to it.

The efforts to resolve the controversy surrounding the so-called "1943 Agreement" pertaining to a road in the Fontana area have been prolonged and agonizing. Now, however, these efforts have been successful and Swain County is now willing to accept a monetary payment as part of the settlement. It is important to permit this resolution to go through and passage of the Baker-Sasser bill, S.1947, will accomplish this in addition to designating the wilderness.

Therefore, I urge you and your committee to act with all possible speed to accomplish the passage of the Baker-Sasser bill, S.1947, by recommending it to the Senate. Such passage will be historic as this is the 50th anniversary of the Great Smoky Mountains National Park and the 20th anniversary of the Wilderness Act. You can play a part in this historic event.

Please include this letter in the official record of the hearings on this legislation.

Sincerely,

Ruth K. Young

(Miss) Ruth K. Young

Frederick H. Sweeton
334 Louisiana Avenue
Oak Ridge, TN 37830

March 23, 1984

1984 MAR 28 [illegible] 3:25

Senator Malcolm Wallop, Chairman
Sub-committee on Pub. Lands & Reserved Water
United States Senate
Washington, D.C. 20510

Subject: Great Smoky Mountains Wilderness Bills
a. S-1947 (Baker & Sasser)
b. S-2183 (Helms & East)

Dear Senator Wallop:

I attended your hearing on the Great Smoky Mountains Wilderness bills in Bryson City on March 16, 1984, and would like to submit this letter for the record of that hearing instead of my direct testimony as originally scheduled.

In my opinion Bill S-1947 is a good resolution of the need to compensate for the impact of the Fontana Lake project on Swain County and of the need to designate wilderness areas in the Smoky Mountains National Park under the Wilderness Act of 1964. The bill is the result of continued discussions by a committee set up in 1979 by Interior Secretary Andrus. This committee included officials of Swain County and representatives of all groups having interests in these two issues.

I think that Bill S-2183 should not be adopted by your committeee. It fails to designate the north shore as wilderness area, and provides for construction of a road along much of the north shore. Yet it provides for the same payment to Swain Count as does Bill S-1947. It does provide for road access to the graves left in the north shore area, and thereby requires considerable extra outlay of money for both the construction and the maintenance of the road. In addition the road would lower the value of this tract as a designated wilderness area. In my opinion the present access to the graves by boat and Jeep with the cooperation of the National Park Service is reasonable, since a large part of the proposed payment to Swain County can be regarded as compensation for not getting the north shore road that the people expected in 1943 when they were being displaced.

Sincerely yours,

Frederick H. Sweeton

Rt 1 Box 462
Fall Branch, TN 37656
March 23, 1984

1984 MAR

Senator Malcolm Wallop
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

I would like to express support for the Great Smoky Mountains National Park wilderness proposal of 476,000 acres. The Sasser-Baker bill, S.1947, is acceptable, but could be improved by including the Parsons Branch Road and other administrative road corridors within the wilderness boundaries.

I do not support the Helms-East bill, S.2183, which involves road construction north of Fontana Lake. An alternative road has already been constructed south of the lake.

Sincerely,
Bennett C. Becker
Bennett E. Becker

FTR S.2183
S.1947

PACHNOWSKI & COLLINS, P. A.
ATTORNEYS AT LAW
EVERETT STREET
P. O. DRAWER 849
BRYSON CITY, NORTH CAROLINA 28713
(704) 488-2300

JOSEPH A. PACHNOWSKI
GERALD R. COLLINS, JR.

MURPHY, N.C. 28906
P.O. DRAWER 740
(704) 837-9456

1984 [illegible]

March 29, 1984

The Honorable Malcolm Wallop
Russell Senate Office Building
Room 204
Washington, D. C. 20510

Dear Senator Wallop:

I am enclosing a copy of a North Carolina Statute which I believe addresses an issue you raised during the Hearing.

I am also enclosing a copy of a letter from Lawyers Title Insurance Company which I rely on when I am certifying titles in Western North Carolina. Please note that the reference to 50 years is from the date mineral interests are excepted, not from the date the land is acquired by the present title holder; i.e., National Park.

With kindest regards.

Yours truly,

Joseph A. Pachnowski
Swain County Attorney

JAP:dw

Enclosures

GENERAL STATUTES OF NORTH CAROLINA

Chapter 1

Civil Procedure

NOVEMBER 1983

STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE
Raleigh, North Carolina
November 1, 1983

I, Rufus L. Edmisten, Attorney General of North Carolina, do hereby certify that the attached recompilation of Chapter 1 of the [illegible] of North Carolina was prepared and published by [illegible] under the supervision of the Department of [illegible] of North Carolina.

RUFUS L. EDMISTEN
Attorney General of North Carolina

For additional cases as to burden and sufficiency of proof under this section, see Ruffin v. Overby, 105 N.C. 78, 11 S.E. 251 (1890); Bryan v. Spivey, 109 N.C. 57, 13 S.E. 766 (1891); Monk v. Wilmington, 137 N.C. 322, 49 S.E. 345 (1904); Bland v. Beasley, 145 N.C. 168, 58 S.E. 993 (1907); Fraley v. Fraley, 150 N.C. 501, 64 S.E. 381 (1909); State v. McDonald, 152 N.C. 802, 67 S.E. 762 (1910); Steward v. McCormick, 161 N.C. 625, 77 S.E. 761 (1913); Blue Ridge Land Co. v. Floyd, 171 N.C. 543, 88 S.E. 862 (1916); Virginia-Carolina Power Co. v. Taylor, 194 N.C. 231, 139 S.E. 381 (1927).

Where the parties claimed title from a common source, plaintiff's deed being the older but defendant's having been recorded first, and possession for many years was in defendant, there being no evidence of the plaintiff ever having had possession, this section did not apply. Mintz v. Russ, 161 N.C. 538, 77 S.E. 851 (1913).

Claim of Title under Paper Writing more than 30 Years Old. — This section does not declare that one who claims title relying merely on a paper writing more than 30 years old thereby acquires title to the land described in the instrument, nor does it establish title prima facie. Bowers v. Mitchell, 258 N.C. 80, 128 S.E.2d 6 (1962).

Deed as Evidence of Possession. — The offer of a deed dated 1935, together with evidence identifying the land described therein, constituted prima facie evidence of plaintiff's possession of the described lands within the time required by law to maintain an action for the recovery or possession of real property. Woodard v. Marshall, 14 N.C. App. 67, 187 S.E.2d 430 (1972).

Disability Exception Limited to Persons Having Right of Entry or Action. — Adverse possession relates only to the true title; hence, the exceptions in this statute as to those under disability can apply only to one having by virtue of his title a right of entry or of action. Berry v. Lumber Co., 141 N.C. 386, 54 S.E. 278 (1906).

Applied in Johnston v. Pate, 83 N.C. 110 (1880).

Quoted in DeBruhl v. L. Harvey & Son Co., 250 N.C. 161, 108 S.E.2d 469 (1959).

Cited in Monk v. Wilmington, 137 N.C. 322, 49 S.E. 345 (1904); Peterson v. Sucro, 101 F.2d 282 (4th Cir. 1939); Ownbey v. Parkway Properties, Inc., 222 N.C. 54, 21 S.E.2d 900 (1942); Walker v. Story, 253 N.C. 59, 116 S.E.2d 147 (1960).

§ 1-42.1. Certain ancient mineral claims extinguished.

(a) Where it appears on the public records that the fee simple title to any oil, gas or mineral interests in an area of land has been severed or separated from the surface fee simple ownership of such land and such interest is not in actual course of being mined, drilled, worked or operated, or in the adverse possession of another, or that the record title holder of any such oil, gas or mineral interests has not listed the same for ad valorem tax purposes in the county in which the same is located for a period of ten (10) years prior to January 1, 1965, any person, having the legal capacity to own land in this State, who has on September 1, 1965 an unbroken chain of title of record to such surface estate of such area of land for fifty (50) years or more, and provided such surface estate is not in the adverse possession of another, shall be deemed to have a marketable title to such surface estate as provided in the succeeding subsections of this section, subject to such interests and defects as are inherent in the provisions and limitations contained in the muniments of which such chain of record title is formed.

(b) Such marketable title shall be held by such person and shall be taken by his successors in interest free and clear of any and all such fee simple oil, gas or mineral interests in such area of land founded upon any reservation or exception contained in an instrument conveying the surface estate in fee simple which was executed or recorded fifty (50) years or more prior to September 1, 1965, and such oil, gas or mineral interests are hereby declared to be null and void and of no effect whatever at law or in equity: Provided, however, that any such fee simple oil, gas or mineral interest may be preserved and kept effective by recording within two (2) years after September 1, 1965, a notice in writing duly sworn to and subscribed before an official authorized to take probate by G.S. 47-1, which sets forth the nature of such oil, gas or mineral interest and gives the book and page where recorded. Such notice shall be probated as required for registration of instruments by G.S. 47-14 and recorded in the office of the register of deeds of the county wherein such area of land, or any part thereof lies, and in the book therein kept or provided under the terms of G.S., 1-42 for the purpose of recording certain severances of surface and subsurface land rights, and shall state the name and address of the claimant and, if known, the name of the surface owner and also contain either such a description of the area of land involved as to make said property readily located thereby or due incorporation by reference of the recorded instrument containing the reservation or exception of such oil, gas or mineral interest. Such notice may be made and recorded by the claimant or by any other person acting on behalf of any claimant who is either under a disability, unable to assert a claim on his own behalf, or one of a class but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

(c) This section shall be construed to effect the legislative purpose of facilitating land title transactions by extinguishing certain ancient oil, gas or mineral claims unless preserved by recording as herein provided. The oil, gas or mineral claims hereby extinguished shall include those of persons whether within or without the State, and whether natural or corporate, but shall exclude governmental claims, State or federal, and all such claims by reason of unexpired oil, gas or mineral releases.

(d) All oil, gas or mineral interests in lands severed or separated from the surface fee simple ownership must be listed for ad valorem taxes and notice of such interest must be filed in writing in the manner provided by G.S. 1-42.1(b) and recorded in the local registry in the book provided by G.S. 1-42 within two years from September 1, 1967, to be effective against the surface fee simple owner or creditors, purchasers, heirs or assigns of such owner. Subsurface oil, gas and mineral interests shall be assessed for ad valorem taxes as real property and such taxes shall be collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes of North Carolina. The board of county commissioners shall publish a notice of this subsection in a newspaper published in the county or having general circulation in the county once a week for four consecutive weeks prior to September 1, 1967.

The provisions of this subsection shall apply to the following counties: Anson, Buncombe, Durham, Franklin, Guilford, Hoke, Jackson, Montgomery, Person, Richmond, Swain, Transylvania, Union, Wake and Warren. (1965, c. 1072, s. 1; 1967, c. 905.)

Legal Periodicals. — For article, "Transferring North Carolina Real Estate Part I: How the Present System Functions," see 49 N.C.L. Rev. 413 (1971).

§ 1-42.2. Certain additional ancient mineral claims extinguished; oil, gas and mineral interests to be recorded and listed for taxation.

(a) Where it appears on the public records that the fee simple title to any oil, gas or mineral interests in an area of land has been severed or separated from the surface fee simple ownership of such land and such interest is not in actual course of being mined, drilled, worked or operated, or in the adverse possession of another, or that the record titleholder of any such oil, gas or mineral interests has not listed the same for ad valorem tax purposes in the county in which the same is located for a period of 10 years prior to January 1, 1971, any person, having the legal capacity to own land in this State, who has on September 1, 1971, an unbroken chain of title of record to such surface estate of such area of land for at least 50 years and provided such surface estate is not in the adverse possession of another, shall be deemed to have a marketable title to such surface estate as provided in the succeeding subsections of this section, subject to such interests and defects as are inherent in the provisions and limitations contained in the muniments of which such chain of record title is formed.

(b) Such marketable title shall be held by such person and shall be taken by his successors in interest free and clear of any and all such fee simple oil, gas or mineral interests in such area of land founded upon any reservation or exception contained in an instrument conveying the surface estate in fee simple which was executed or recorded at least 50 but not more than 56 years prior to September 1, 1971, and such oil, gas or mineral interests are hereby declared to be null and void and of no effect whatever at law or in equity: Provided, however, that any such fee simple oil, gas or mineral interest may be preserved and kept effective by recording within two years after September 1, 1971, a notice in writing duly sworn to and subscribed before an official authorized to take probate by G.S. 47-1, which sets forth the nature of such oil, gas or mineral interest and gives the book and page where recorded. Such notice shall be probated as required for registration of instruments by G.S. 47-14 and recorded in the office of the register of deeds of the county wherein such area of land, or any part thereof lies, and in the book therein kept or provided under the terms of G.S. 1-42 for the purpose of recording certain severances of surface and subsurface land rights, and shall state the name and address of the claimant and, if known, the name of the surface owner and also contain either such a description of the area of land involved as to make said property readily located thereby or due incorporation by reference of the recorded instrument containing the reservation or exception of such oil, gas or mineral interest. Such notice may be made and recorded by the claimant or by any other person acting on behalf of any claimant who is either under a disability, unable to assert a claim on his own behalf, or one of a class but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

(c) This section shall be construed to effect the legislative purpose of facilitating land title transactions by extinguishing certain ancient oil, gas or mineral claims unless preserved by recording as herein provided. The oil, gas or mineral claims hereby extinguished shall include those of persons whether within or without the State, and whether natural or corporate, but shall exclude governmental claims, State or federal, and all such claims by reason of unexpired oil, gas or mineral releases.

(d) Within two years from November 1, 1971, all oil, gas or mineral interests in lands severed or separated from the surface fee simple ownership must be listed for ad valorem taxes and notice of such interest must be filed in writing in the manner provided by G.S. 1-42.2(b) and recorded in the local registry in the book provided by G.S. 1-42, to be effective against the surface fee simple owner or creditors, purchasers, heirs or assigns of such owner. Subsurface oil, gas and mineral interests shall be assessed for ad valorem taxes as real property and such taxes shall be collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes of North Carolina. The board of county commissioners shall publish a notice of this subsection in a newspaper published in the county or having general circulation in the county once a week for four consecutive weeks prior to November 1, 1971.

The provisions of this subsection shall apply to the following counties: Rowan, Anson, Buncombe, Catawba, Davidson, Durham, Franklin, Guilford, Haywood, Hoke, Iredell, Jackson, Madison, Montgomery, Moore, Person, Richmond, Robeson, Scotland, Swain, Transylvania, Union, Wake, Warren and Yancey. (1971, c. 235, s. 1; c. 855.)

§ 1-42.3. Additional ancient mineral claims extinguished in certain counties; oil, gas and mineral interests to be recorded and listed for taxation in such counties.

(a) Where it appears on the public records that the fee simple title to any oil, gas or mineral interests in an area of land has been severed or separated from the surface fee simple ownership of such land and such interest is not in actual course of being mined, drilled, worked or operated, or in the adverse possession of another, or that the record titleholder of any such oil, gas or mineral interests has not listed the same for ad valorem tax purposes in the county in which the same is located for a period of 10 years prior to January 1, 1974, any person having the legal capacity to own land in this State, who has on September 1, 1974, an unbroken chain of title of record to such surface estate of such area of land for at least 50 years and provided such surface estate is not in the adverse possession of another, shall be deemed to have a marketable title to such surface estate as provided in the succeeding subsections of this section, subject to such interests and defects as are inherent in the provisions and limitations contained in the muniments of which such chain of record title is formed.

(b) Such marketable title shall be held by such person and shall be taken by his successors in interest free and clear of any and all such fee simple oil, gas or mineral interest in such area of land founded upon any reservation or exception contained in an instrument conveying the surface estate in fee simple which was executed or recorded at least 50 years or more prior to September 1, 1974, and such oil, gas or mineral interests are hereby declared to be null and void and of no effect whatever at law or in equity: Provided, however, that any such fee simple oil, gas or mineral interest may be preserved and kept effective by recording within two years after September 1, 1974, a notice in writing duly sworn to and subscribed before an official authorized to take probate by G.S. 47-1, which sets forth the nature of such oil, gas or mineral interest and gives the book and page where recorded. Such notice shall be probated as required for registration of instruments by G.S. 47-14 and recorded in the office of the register of deeds of the county wherein such area of land, or any part thereof lies, and in the book therein kept or provided under the terms of G.S. 1-42 for the purpose of recording certain severances of surface and subsurface land rights, and shall state the name and address of the claimant and, if known, the name of the surface owner and also contain either such a description of the area of land involved as to make said property readily located thereby or due incorporation by reference of the recorded instrument containing the reservation or exception of such oil, gas or mineral interest. Such notice may be made and recorded by the claimant or by any other person acting on behalf of any claimant who is either under a disability, unable to assert a claim on his own behalf, or one of a class but whose identity cannot be established or is uncertain at the time of filing such notice of claim for record.

(c) This section shall be construed to effect the legislative purpose of facilitating land title transactions by extinguishing certain ancient oil, gas or mineral claims unless preserved by recording as herein provided. The oil, gas or mineral claims hereby extinguished shall include those of persons whether within or without the State, and whether natural or corporate, but shall exclude governmental claims, State or federal, and all such claims by reason of unexpired oil, gas or mineral releases.

(d) Within two years from November 1, 1974, all oil, gas or mineral interest in lands severed or separated from the surface fee simple ownership must be listed for ad valorem taxes and notice of such interest must be filed in writing in the manner provided by G.S. 1-42.3(b) and recorded in the local registry in the book provided by G.S. 1-42, to be effective against the surface fee simple owner or creditors, purchasers, heirs or assigns of such owner. Subsurface oil, gas and mineral interests shall be assessed for ad valorem taxes as real property and such taxes shall be collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes of North Carolina. The board of county commissioners shall publish a notice of this subsection in a newspaper published in the county or having general circulation in the county once a week for four consecutive weeks prior to November 1, 1974.

The provisions of this subsection shall apply to the following counties: Alleghany, Burke, Caldwell, Cherokee, Clay, Cleveland, Gaston, Gates, Graham, Halifax, Henderson, Macon, McDowell, Mitchell, Polk, Randolph, Stanly, Surry, Watauga, and Wilkes. (1973, c. 1435; 1981, c. 329, s. 2.)

Cross References. — For the section applicable to Avery County, see § 1-42.5.

Effect of Amendments. — The 1981 amendment, effective June 30, 1982, deleted Avery from the list of counties in the second paragraph of subsection (d).

CORNELIA McK. TROTT
CHAIRMAN OF THE BOARD

H. BRUCE BONEY, JR.
PRESIDENT

JOSEPH M. PARKER, JR.
VICE PRESIDENT AND COUNSEL

F. ALTON RUSSELL
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Lawyers Title of North Carolina, Inc.

P. O. BOX 71 • 2223 WACHOVIA BLDG., WINSTON-SALEM, N. C. 27102
TELEPHONE (919) 722-9822 N. C. WATS 1-800-642-0484 (0485)

December 4, 1981

Mr. Joseph A. Pachnowski
Attorney at Law
Drawer 849
Bryson City, N. C. 28713

Re: North Carolina General Statutes 1-42.1
Mineral Interest

Dear Joe:

I apologize for the delay in answering your letter of November 20, 1981 in regard to mineral interest in the mountains. I wanted to check with our other offices to make sure I was not contradicting a position we had previously taken.

We have on occasion relied on the 50 year statute as set forth in 1-42.1 (a) & (b). There are further statutes in the new supplement shown as 1-42.1, 1-42.3 and 1-42.4. We have not chosen to rely on subparagraph (d) of these statutes but only on the fact that there has been 50 years of adverse possession without any drilling or mining of mineral rights and also that there has been no preservation of the mineral rights during that period. Of course the facts in the particular situation have some bearing on our decision.

Please let me know if I can be of any further help and feel free to call me on the wats line if you wish to discuss this matter.

Yours very truly,

Joe
Joseph M. Parker, Jr.
Vice President and Counsel

JMP Jr/jm

39-068 1391

REPRESENTING – Lawyers Title Insurance Corporation

FVR

1984 MAR 30 PM 3 31

WESTERN CAROLINA UNIVERSITY
CULLOWHEE, NORTH CAROLINA 28723

SCHOOL OF ARTS AND SCIENCES
DEPARTMENT OF BIOLOGY

March 28, 1984

Senator Malcolm Wallop
Chairman Subcommittee on Public Lands
U.S. Senate Office Building
Washington D.C. 20510

Dear Senator Wallop:

Please include the following statement in the official record of the March 27, 1984 hearing on wilderness designation for the Great Smoky Mountains National Park.

I am President of the Tuckaseigee Chapter of Trout in Western North Carolina. The Great Smoky Mountains contain some of the best native trout populations in eastern North America. Since trout lay their eggs in the stream bed, clean gravel with a good supply of well oxygenated water is essential for their survival. It has been shown that increased erosion and siltation in streams can greatly effect the survival of trout eggs. In a study we conducted in two western North Carolina streams, one heavily silted and one relatively clean, there was a considerable difference in hatching and emergence success of trout embryos planted in these streams. In the silted stream with suspended solids levels three times greater than the unsilted stream, the percentage of eggs that hatched was 39.8% and only 0.4% emerged. In comparison, in the clean stream 87.3% hatched and 11% emerged.

Since one of the main sources of siltation of the streams of western North Carolina is roads, even primitive logging roads, I oppose the Helms/East bill that includes a primitive road along the north shore of Lake Fontana. I believe that if such a road were built, it has the potential of affecting the survival of trout eggs and embryos in several streams in the Great Smoky Mountains National Park. I favor the Baker/Sasser bill that does not include a road.

Sincerely yours,

Jerry L. West

Jerry L. West
Associate Professor

JLW/rw

WESTERN CAROLINA UNIVERSITY IS A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA AND AN AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER.

197 Outer Drive
Oak Ridge, Tn 37830
March 26, 1984

Senator Malcolm Wallop, Chmn
Subcommittee on Public Lands
U.S. Senate
Washington, D.C. 20510

Dear Senator Wallop:

Please include the following statement in the official record of the March 27, 1983 hearing on wilderness designation for the Great Smoky Mountains National Park.

I was unable to attend your recent hearings in Bryson City, N.C. because I was out of the State at that time. My longtime interest in the Smokies comes from frequent visits I and my family have made to this greatest of eastern mountain parks and observation of the enjoyment by many visitors who come to make use of it.

I strongly urge you to support the Senate bill 1947 submitted by Senators Sassar and Baker to give Wilderness status to the Park. The road construction required by bill S.2183 introduced by Senators Helms and East would result in serious erosion problems due the steepness of the slopes and should not be undertaken. Such problems resulted from the extension of the road beyond Deep Creek further up the shoreline of Fontana Lake. Those problems caused the abandenment of the road.

Please give the Park Wilderness status now. Do not permit piecemeal destruction.

Yours Truly,
B H Ketelle
B. H. Ketelle

FTR

Box 416, Norris, Tn., 37828
March 26, 1984

1984 MAR 30 AM 11: 02

Senator Wallop, Chair Subcommittee
on Public Lands
U.S. Senate, Washington, D.C. 20510

Dear Senator Wallop:

I appreciate your patience and energy in holding the hearing in Bryson City, N.C. last Friday on the Smokies National Park Wilderness bills. I wanted to talk too, but the day was long enough. So please include the following statement in the official record of the March 27, 1984 hearing on wilderness designation for the Great Smoky Mountains National Park.

I have just reread the two wilderness bills for the Smokies and agree where they agree - Swain County should get $9,500,000 in lieu of a northshore of Fontana Reservoir road and be relieved of the FHA loan and there should be Wilderness designation for the Smokies.

We have camped and hiked along the northshore of Fontana and enjoy the wildness and solitude of that area. My husband is over 70 years old and I am almost 65, proving you do not have to be tough teenagers to enjoy wilderness areas. I do not want even a dirt road along that shore because: 1. Fontana shore is very steep with deep valleys where each of the streams enter. Erosion and landslides should not be encouraged by road building. 2. As soon as a road is build, the people who throw trash can get in and the park or ~~we~~ I or some other volunteer will have to pick up the litter. 3. A road brings motor noises that spoil the solitude. 4. Bears need wild space + protection from poaching.

The Baker bill S 1947 allows motorized vehicles for "special cemetery access provisions for the north shore". So folks can continue to get to the cemeteries. Realistically speaking we should remember that wilderness areas protected can last forever but folks who remember who was buried in those cemeteries will not last too long.

I believe S.1947 should be passed by the US Senate to satisfy Swain County present needs and the future needs of all of us in this heavily populated part of the world for space, fresh air and water and solitude.

Thank you
Grace Foster
Grace Foster

Passing S.1947 would be a good happy 50th Birthday gift to U.S.A.

Copy to Senator Howard Baker

F4R

March 19, 1984

Senator Jesse Helms
Hickory,N.C.

Dear Senator Helms:

My name is Myrtle Laney, I am 76 years old. I am the daughter of William D. and Hettie Cable Laney. I was born at Wayside and we moved to Hazel Creek when I was 4 years old. It was there that I spent the happiest days of my life. I was saved at Bone Valley Baptist Church in 1921 and was baptised at the baptising hole where Bone Valley and Hazel Creek meet.

I have a sister, a brother in law, two sets of grandparents, numerous aunts and uncles and cousins buried in Bone Valley, Cable and Proctor Cemeteries. I have returned back to the graves of my loved ones 6 times in 45 years. Due to my age and health I have not been able to return since 1978 and had to walk 13 miles to get to Bone Valley Cemetery and back to the lake. I was 70 years old at the time and it liked to have killed me.

Unless the road that was promised us by the United States government is built I will never get to return again. I love my sister and other loved ones dearly and do not feel that I should be deprived of visiting their graves because of politics or any wilderness group opposed to the road. A promise is a promise and I was taught that a man is as good as his work. How good is our federal government since their word is no good. History teaches that when the people loose confidence in their government it falls. I wonder how long the government of the has left until it falls if it doesn't keep its promises.

This land should never have been put into wilderness. It simply does not meet the criteria for wilderness land. There is no virgin timber left down there. My uncle, C. W.Laney worked for Taylor Crate Lumber Company. You can still see the old pond site where Ritter Lumber Company had their log pond. Also you can see the railroad tracks still down there. We had pastures for our cows and hoed corn and gardens on this land. We had towns that were a lot bigger than Bryson City,N.C. is now. How can anyone say this land is uninhabited land?

I am sending 15 copies of this letter as you requested and hope to have it entered for the senate hearing in Washinton on March 27, 1984. I want to go on record as saying that I am opposed to any more wilderness and feel the government should do what they promised to do and build this long overdue road.

Yours truly,

Myrtle Laney

Myrtle Laney
PO Box 631
Bryson City,N.C. 28713

FHR

CAROLINA RESOURCE CONSULTANTS
375 Wesley Court
Chapel Hill, North Carolina 27514
919 / 929-3959

1984 MAR 30 PM 3: 20

27 March 1984

Hon. Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Waters
360 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wallop:

I am writing to urge your subcommittee to report favorably, and without amendment, S. 1947: the Great Smoky Mountains Wilderness bill, as introduced by Tennessee Senators Baker and Sasser.

This bill is the best and the only realistic solution to the 40-year old controversy over access to cemeteries on the north shore of Fontana Lake. It would provide appropriate financial relief to local residents and would guarantee continued cemetery access without authorizing construction of a costly and environmentally damaging road. Any road through this area would require massive cuts and fills, would likely cause acid leaching into streams, and would degrade the essential wilderness quality of this area of the Great Smoky Mountains National Park.

The Park Service's 1981 plan specifies that this area should be managed as wilderness, consistent with continued cemetery access across Fontana Lake, at Park Service expense. This bill, S.1947, is the best way to achieve those sound management goals. The Helms bill would remove wilderness protection from this area, and would give expensive and unnecessary "double compensation" by authorizing both a cash payment and a road. The Director of the Park Service has stated that the cost of this proposed road has been seriously underestimated by its proponents.

I therefore urge you to support the designation in S. 1947 of the full 467,000 acres of wilderness, with no road. We citizens of North Carolina look forward to enactment of this bill in time for the 50th anniversary celebration of the dedication of the Park in June of this year.

Please include this letter as part of the hearing record on this legislation. Thank you for your consideration.

Sincerely,

Robert B Smythe

Robert B. Smythe

MAR 28 1984

Mrs. HILARY [illegible] Y. CHI
Rte. 8, Box 103-A
Chapel Hill, N. C. 27514

March 23, 1984

The Honorable Ike Andrews
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman:

The purpose of this letter is to request your support for H.R. 4262, introduced by Congressman James Clarke of North Carolina and John Duncan of Tennessee. I have written Senators Helms and East, protesting their efforts to torpedo the Senate version of this bill.

I understand hearings will be held on this bill in Bryson City and Washington D.C. in the near future. I am particularly concerned that the new road called for in the Helms/East version should not become a fact, and should like this letter to be made a part of the hearing record.

Very truly yours

Emily Exner Chi

Emily Exner Chi

Fields

FTR
S. 1947

Western North Carolina Alliance

STAFF OFFICE
P. O. BOX 117
MURPHY, NC 28906

704/837-9571

1984 APR -3 AM 11:48

3/29/84

Senator Malcolm Wallop
Senate Subcommittee on Public Lands and Reserve Water
United States Senate
Washington, DC 20510

Dear Senator Wallop:

I am writing on behalf of the Steering Committee of the Western North Carolina Alliance. We are a seven-county organization committed to public participation in natural resource issues in our region.

Although our Steering Committee decision came too late for us to get on the witness list for the Bryson City hearing we want you to know that we strongly support the Baker-Sasser Smoky Mountain National Park Wilderness Bill S. 1947. We support this bill because of the acreage involved, the guarantee of quick compensation to Swain County, and the recognition that an adequate road could never be built to the north side of the lake. At the same time we believe that the families who want, and deserve, access be guaranteed transportation across the lake in a fashion suitable to their numbers and ages. It was apparent in the testimony at Bryson City that this is not the case at the present time.

Sincerely,

David Liden

David Liden
Coordinator

cc: Senators Jesse Helms and John East

FTR

FHR
S. 1947

[illegible]

Box 350
Forest City, N. C. 28043
March 26, 1984

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Waters
Senate Office Building
Washington, D. C. 20510

Dear Senator Wallop:

Please let this letter be made a part of the hearing record.

I hope the bill number S.1947, which designated 467,000 acres as Wilderness, can be passed. Especially am I hopeful that no road will be built on the north shore of Fontana Lake.

My interest in this matter goes back some forty-three years. My sisters both worked for TVA. One, a legal secretary, was in the land acquisition department as land was acquired for Fontana Lake. Having followed developments then and up to the present day, I cannot believe there is any obligation of any kind to build this road. As much as it could possibly be fairly done, fair payment, even liberal payment, was made to those affected by the lake. While there were regrettable and inevitable happenings, such as covering the Cherokee burial grounds, I would think that everything reasonable was done to protect each person's rights.

Other than to satisfy some mistaken feelings of guilt for having wronged someone, I cannot believe there are sufficient justifications for building this road.

The greatest justice that can be accomplished, it seems to me, is to prevent deterioration of what can be passed on as a wilderness area. I believe that Bill S.1947 will do much to assure preservation of this wonderful area for those yet to come.

Respectfully yours,

James E. Byers

FYR

S

Honorable Jesse A, Helms Jr.
United States Senate
Dirksen Senate Building
Washington, D. C. 20510

March 26,1984

Dear Senator Helms,

I was unable to attend the hearing that was held in Bryson City, N. C. on 3/16/84, concerning the long overdue debt owed to the good people of Swain County, N. C. by the elected officials of The United States Of America. If this had been a debt owed to the U. S. by Swain County, the property would have been foreclosed on in a very short time, after default. Not some 40 odd years later without as much as paying yearly interest.

I am in favour of your bill to compensate the citizens of Swain County and to right a wrong that has been neglected for too long and build a servicible road on the North Shore of Lake Fontana.

I am unable to understand why someone from another state proposes a bill to try to solve this problem, when it does not encompass the solemn promise by the U. S. to build a road on the North Shore of Lake Fontana. It looks to me like the U, S. defaulted long ago and the title to this land should be returned to the citizens of Swain County,if this more recent agreement of a token road plus the cash settlement cannot be finalized with your pending bill in the U. S. Senate.

I am enclosing a front page news item from the Asheville Citizen dated 2/21/84. I can't believe that a man has been in the highiest state office for almost eight years and not visited Swain County and taken an active role in helping to resolve this obligation. He calls the proposal a tragedy. Swain County is a tragedy as a result of two-thirds of the land is owned by the U.S. They need all the help they can get. The unemployment rate is among the highest in the state.

Sincerely,
A. Duckworth

Hunt Says Road In Great Smokies Would Be Tragedy

(Asheville Citizen (Times) 4/21/84)

Long-Promised Federal Project Resurrected In Helms Proposal

By JOHN PARRIS
Senior Editor

DEEP CREEK — Gov. Jim Hunt said Monday that a road along the north shore of Fontana Lake in Great Smoky Mountains National Park would be a tragedy.

The state's chief executive voiced his opposition to the long-promised road by the federal government as he paused here in one of four appearances in the region that kicked off the 50th anniversary of the 500,000-acre national park.

"I have just flown over the north shore of Fontana Lake," Hunt said, "and I think the proposal to put a road along that north shore through that wilderness would be just a tragedy. I think we've got to prevent that from happening."

The latest proposal to build the road has come in a bill proposed by Republican U.S. Sen. Jesse Helms, who has filed for re-election to the seat Hunt seeks as a Democrat. Helms has proposed spending $950,000 to build a logging-type road to family cemeteries now accessible only on foot and by boat.

In 1943, Swain County and the state of North Carolina turned over 44,000 acres of county lands for inclusion in the park. In return, the federal government agreed to build a road from Bryson City to Fontana Dam along the southern boundary of the park.

Hunt brought up the controversial road proposal as he came here to the park's Deep Creek Campground to officially begin festivities in Swain County in celebration of the park's anniversary.

"We've got to take care of this park," he told some 200 people, including county officials, residents who helped create the park and high school students who briefed the governor on park history.

"I want to tell all of you today that I join with your county commissioners in endorsing the bill your congressman, Jamie Clarke, is supporting, as well as the two senators from the state of Tennessee, that would provide a means of settling the old matter that did not treat Swain County right."

Clarke's bill, like Helms', calls for a $9.5 million cash settlement to Swain County for failing to provide the promised road. Unlike Helms' proposal, Clarke's does not call for a cemetery-access road, and would instead designate that land as wilderness.

Hunt said he supports the proposal by Clarke that "would resolve the whole matter by prohibiting that road by having 44,000 more acres of wilderness area and provide millions of dollars to Swain County."

Before Hunt spoke, four Swain County High School students presented a resume of a historial project called "Swain County: A Land of Displaced Persons."

"These students," Hunt said,

— Turn To Page 2

Road In Smokies

Asheville Citizen [illegible]

— Continued From Page One

"told me things I'd never even dreamed of about the park. I knew the federal government and the states of North Carolina and Tennessee were involved. I had no idea in the world that you had individuals who had given $100 and $500 to buy the land for the park. And I certainly had no idea that students had given money for this park. That really thrills me and makes me feel more deeply about this park."

Hunt said creation of the park was "a time when we really made some history in North Carolina, and it's been made right here in your county."

"We have got to take care of this park, you all," Hunt said. "It's a precious thing, it's a national treasure, and it becomes more so every single year . . . I wanted to come here today as governor to say thank you for establishing this park for all of us and for all Americans."

Hunt came here from Fontana Dam, where he made the first of four appearances to kick off the park's 50th anniversary celebration.

On hand, along with Graham County officials and dignitaries from Clay and Cherokee counties, was TVA director David Freeman, who flew in from Knoxville by helicopter to welcome Hunt and commend the cooperation that has developed between the TVA and North Carolina, particularly Asheville and Western North Carolina.

"This is a year of celebration," Hunt told a crowd that gathered at the dam's visitor center. "I want us to rededicate ourselves to this area, to the culture here, the people who live here. I want us to rededicate ourselves to keeping this national park good."

Hunt visited Cataloochee Ranch in Haywood County, then wound up his wide-ranging tour of the mountains Monday at the Folk Art Center on the Blue Ridge Parkway at a musical performance by the Asheville Symphony Orchestra, "Wilderness Suite," a composition by North Carolina's Richard Adler that was inspired by the national park.

Tuesday, Hunt will deliver the keynote speech at an economic development conference in Asheville hosted by Western North Carolina Tomorrow and the Developers Association of WNC.

The regional economic development conference at the Inn on the Plaza begins at 9:15 a.m. with Hunt delivering the keynote speech. The secretaries of the state departments of transportation, administration and natural resources will also speak. Further remarks will be made by H.F. Robinson, chancellor of Western Carolina University; Joseph Nanney, president of Haywood Technical College and others.

Hunt will then tour locations in Haywood County, stopping at Champion International in Canton, the robotics program at Haywood Technical College and the Dayco Corp. plant.

Tuesday evening, the agenda

FTR
S. 1947

Sierra Club

Tennessee Chapter

1984 [illegible] 11:43

1310 Court Field Road
Knoxville, TN 37922
March 30, 1984

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
United States Senate
Washington, DC 20510

Dear Senator Wallop:

I am writing on behalf of the Tennessee Chapter of the Sierra Club, concerning the Subcommittee hearings on Wilderness designation for the Great Smoky Mountains National Park (GSMNP). I ask that my comments be made part of the official hearing record.

That there have been two bills introduced into the Senate is clear evidence for overwhelming bipartisan support for the concept of Wilderness designation for the Park. I believe that, with a few exceptions, nearly everyone realizes that the Smokies represent a jewel so fragile and precious that it must have that extra measure of protection that the Wilderness Act provides. We simply cannot afford for the Smokies to be susceptible to polictical winds and whims. Administrations may come and go, and the wilderness qualities of the Smokies may do likewise if they do not receive Wilderness designation. A good case in point may be the latest response of the Director of the National Park Service. The current Management Plan for the Park, hammered out through both Republican and Democratic administrations, essentially recognizes about 460,000+ acres in the Park as being "suitable" for Wilderness. And yet the Director, using an old Master Plan, now believes, contrary to the opinion of field professionals, only 390,000 acres may qualify as Wilderness. It is just this type of political "positioning" that Wilderness designation would guard against. The matter would be settled, and we could all get on with the task of husbanding this national treasure.

So the current question seems not to be: "Whether or not Wilderness", but rather "How much?" The Helms/East bill would have around 420,000 acres, the Baker/Sasser, S. 1947, about 467,000 acres. In guiding your thinking on this matter, I would ask you to consider the following: What are we trying to accomplish in establishment of Wilderness? Is it not protection

"When we try to pick out anything by itself, we find it hitched to everything else in the universe."

of the resource? If so, then what possible reason might we have for excluding areas that legitimately qualify for Wilderness from Wilderness designation. If, within a National Park, there exist areas that qualify, yet they are excluded, such is tantamount to opening them for further development. That would be both a travesty and a tragedy.

Nine million people do not visit the Park each year because of its roads. They come to marvel at the vast ridges and valleys, unmarred, for the most part, by extensive road building. The Helms/East bill would have us build another road across many ridges. Ask whether the tourist, or better still, your grandchildren, would like to stand on top Clingmans Dome, turn their gaze toward Fontana Lake, and see unbroken ridges, or another road. We already have the roads named Newfound Gap, Clingmans Dome, Little River, Cosby Greenbriar, Mt. Sterling Gap, Heintooga-Roundbottom, Cattaloochee, Cades Cove, Roaring Fork and Parsons Branch. Do we really need another road?

The Tennessee Chapter strongly favors the Baker Sasser Bill, S. 1947, because that bill recognizes the true value of the land that qualifies as Wilderness. The Smokies are a national treasure. The Helms Bill amounts to damning that treasure with faint praise.

Sincerely,

Roger A. Jenkins

Roger A. Jenkins
Chairman

RAJ:ldc

cc: Senator Howard Baker

334 Louisiana Avenue
Oak Ridge, TN 37830
April 20, 1984

Sub-Commitee on Public Lands
U.S. Senate
Washington, DC 20510

Dear Sirs:

Please include the following statement in the official record of the March 27, 1984 hearing on wilderness designation for the Great Smoky Mountains National Park.

I would like to request the passage of S-1947 sponsored by Senator James Sasser. The provisions of this bill were agreed upon by elected officials in both North Carolina and Tennessee as a reasonable settlement of the 1954 agreement with TVA (not the National Park Service) and the previous owners of the land north of Fontana Lake. Other bills that are being considered by the sub-committee omit 44,000 acres of land north of Fontana Lake from Wilderness designation and I believe these lands are vital to a true Wilderness Bill for the Great Smoky Mountains National Park.

It is my opinion that the visitation of the graveyards on the north shore of Fontana Lake is being adequately handled by the Park Service at the present time. If it is necessary to transport gravely handicapped people to the cemetaries perhaps helicopters would be another alternative. Costly as these might be, it would not cost much compared with the road the Cemetary Association is demanding. I do not believe anyone has been buried there since the early 1950's, so the need for people to visit the graves of people they actually knew should not be needed after a few more years.

The area on the north shore of Fontana Lake in the Great Smoky Mountains National Park belongs to all the citizens of the United States, not just those who had to sell to TVA for the Fontana project. The old owners of those lands plead special priviledge, but many people in Tennessee also had to sell their lands - sometimes more than once (those who had to sell for Norris Lake and then again for the Oak Ridge reservation). They, too, have many regrets and sorrows, but laws provide that lands can be condemned for the benefit of the many.

If S-1947 is not passed, I would prefer that no bill be passed. The money in the bills for Swain County was agreed upon in exchange for the 44,000 acres north of Fontana Lake being designated as Wilderness. No wilderness for that area, no money for Swain County, NC, that seems logical.

I attended the hearings of the subcommittee in Bryson City, NC, on March 16, 1984. It was a surprise to me to see the moderator of the hearings seem so partisan to the members of the Cemetary Association and so hostile to members of the Environmental Groups. He stated at the hearings that he was not in favor of Wilderness designation for any lands in the United States and he did not seem to have any concern about protection of the lands of the Great Smoky Mountains National Park. Instead he just seemed concerned with access to the cemeteries on the north shore of Fontana Lake. I had expected a moderator to at least appear impartial while conducting hearings. Perhaps the hearings in Washington were conducted in a more impartial manner.

In summary, I would like to see S-1947 passed, or no bill at all passed this year. S-2183 and the so-called compromise bill are not acceptable bills to me.

Sincerely,

Phyllis B. Sweeton

(Mrs. Fred Sweeton)

cc: Senator Howard Baker
    Senator James Sasser

S. 1947

1984 APR 23 PM 3:15

Wednesday, April 18, 1984

Senator Malcolm Wallop, Chmn
Subcommittee on Public Lands
United States Senate
Washington, DC 20510

Dear Senator Wallop,

Please include the following statement in the official record of the March 27, 1983 hearing on wilderness designation for the Great Smoky Mountains National Park. Preserving the most natural state of the Park is of vital importance to us, the members of the Canoeing and Hiking Club at the University of Tennessee, Knoxville

As members of the Tennessee Citizens for Wilderness Planning, we support the Citizen's Wilderness proposal of 476,000 acres which includes all Natural Environment- Type I and several Natural Environment- Type II areas. The Sasser- Baker bill, S.1947, which proposes 467,000 acres, is acceptable but should be improved by also including the Parsons Branch Road and other administrative road corridors within the wilderness boundaries as will be submitted by Ray Payne.

We strongly oppose the harmful provisions of the Helms- East bill, S.2183, and support the payment to Swain County, N.C., of a monetary settlement in lieu of building roads north of Fontana.

Sincerely yours,
UTK Canoeing & Hiking Club
UTK Canoeing & Hiking Club
Beth Dosser, President

cc: Senator Howard Baker
Congressman John Duncan
Senator Jim Sasser

Raymond J. Clartin
Janet Dunwoody
Doug Wilson
Beth Dosser
Elizabeth Lowry
Stuart Smiley
Suzanne Smiley

Laurie Warlick
Douglas McSpadden
Tony Robinson
Ray Spivey
Rod Bigler
Joel W. Maynard
W. John Grunot
Lisa Kaye McCasland

As a resident of Swain County, North Carolina, I feel it is my duty to express my views on the wilderness bills now before you.

The wilderness bill being presented by the two senators from Tennessee is certainly not in the best interest of the people of Swain County, North Carolina. Many Swain County elected officials support this bill, but they do not speak for most of the people.

I support Senator Jesse Helms bill which would fulfill the 1943 agreement between Swain County, North Carolina and the United States Government, to build a road to the cemeteries on the north shore of Fontana Lake. This was the agreement and the government should be as good as its word.

The 44,000 acres on the north shore of Fontana Lake is not wilderness and should be left out of any wilderness bill.

Sincerely,

Mildred S. Martin

Mildred S. Martin
Alarka Road
Bryson City, N. C.

As a resident of Swain County, North Carolina, I feel obligated to express my feelings about the two wilderness bills being presented.

I support the bill being presented by Senator Jesse Helms because it partially fulfills the 1943 agreement. It proposes that a road be built along the north shore of Fontana Lake to the cemeteries that are located there. I would also like to mention that I agree with Senator Helms' proposal of exempting the 44,000 acres of land surrounding the cemeteries and lake out of the wilderness bill.

I have always heard that history repeats itself and I beleive that some senators and congressmen are trying to prove this theory. They kept the Indians of their land and now they're trying to keep us off of ours.

Sincerely,
Floyd A. Martin

Floyd A. Martin
Alarka Road
Bryson City, N. C.

March 24, 1984

Congressman James McClure Clark

Sir:

I do not support your bill dealing with the settlement of the 1943 agreement. I think it unfair to the people of Swain County and North Carolina. There is slightly over 500,000 acres in the park and over half of it in North Carolina, if 467,000 acres is put into wilderness with some simple arithmetic you can see where most of it will be. I believe the park should be an asset instead of a liabitily as it has always been.

The Tennessee legislators and the park officals should not be the ones to say what we get and how much. They have thier side of the park developed and are reaping the benefit of it. If the North Carolina side goes into wilderness we wont get any benefit from it.

I believe our elected officials including our governor should get together and demand a fair deal from the park. The 44,000 acres and the mining property shouldn't be included in any wilderness plan. A road into the area, preferably a two lane standard road, should be built so all the people, not just the Sierra Clubs and other wilderness clubs, can enjoy it.The ones who have given up the most for the park should at least share an equal benefit from it. The people were promised a road when they gave up their land and that promise should be honored with no strings attached. If it goes into wilderness as your bill Sasser, and Baker and the park calls for all Swain County will get will be from the few who wander out of the woods to buy freeze-dried food and noodles. Swain County can not survive on that kind of an economy.

Sincerely

Annis L Martin

Annis L. Martin
Rt. #2
Bryson City, N. C.

As a native and resident of Swain County, North Carolina concerning the issue of the North Shore Road, I feel as do many of my neighbors and friends that we are suffering from an acute condition of taxation without representation, all the way from the local level to Federal Liberalism in Washington. It seems that the majority of the people of this county are being ruled by a few one-sided politicians and special interest groups such as the Sierra Club. Sierra Club members should have no say in the problems that confront this county. Why should Howard Baker and Jim Sasser have a say in the affairs of Western North Carolina residents? Could it be that they see profits of tourism leaving Tennessee for Western North Carolina! And why would Mr. Clarke side with this type legislation when it affects the people he should be representing? If we allow this type legislation to be shoved down our throats, how much longer will it be until the Sierra Club and other special interest groups decide that they want the remaining 18 percent of our county or every county west of Buncombe for a playground? It seems to be that money is the controlling power of the minds of our local leaders with no regard or feeling for the people who have relations on the North Shore of Fontana Lake. As a Democrat I would hope that you could see the kind of charge that you are leading and consider your decision.

Earl S. Jones

Earl S. Jones

As a resident of Swain County for the past ten years, I feel the need to express my opinion for the North Shore Road.

The monetary matter is not the main issue in question. The rights of people are being violated. Without the people of the 1943 generation, the money is unimportant. This generation was made to give up and leave their homes. This generation had to pull up roots, leave their heritage and their cemeteries. This is the generation that should have first priority in the decision-making process. These people have waited 40 years for a promise to be fulfilled. A promise that the Federal Government made to them and their families.

Why should Senators Baker and Sasser of Tennessee voice their opinion and make decisions for North Carolina? And why couldn't Mr. Clarke work with the Senators from North Carolina rather than Tennessee when their decision affects the people of this county?

As a citizen of Swain County, I would hope that as elected officials that you would support what has been promised to our people and our county.

Brenda W. Jones

Brenda Jones

As a resident of Swain County, North Carolina I wish to express my opinion on the wilderness bills now before you.

I am in favor of the bill presented by, Senator Jesse Helms, as a settlement to the 1943 agreement between the United States Government and Swain County, North Carolina.

I am opposed to the 44,000 acres on the north shore of Fontana Lake being designated as wilderness. The former residents of this area were promised a road and access to thier cemeteries.

The written promise by the United States Government should be binding, after all Swain County, North Carolina is a part of this great nation and we the people deserve to be treated as such.

Sincerely,

Dave T. Jones

Dave T. Jones
Alarka Road
Bryson City, N. C.

As a resident of Swain County, North Carolina I would like to state my opinion on the wilderness bills now before you.

I realize most of the , Great Smokey Mountain Park will sooner or later be put into wilderness, but the 44,000 acres on the north shore of Fontana Lake is not wilderness and hasn't been since it was settled by hard-working mountain people.

Many of these people are buried there and thire descendents should have access to thier family cemeteries. This is thier birthright and thier heritage and the United States Government should keep its promise and build a road into this area.

Sincerely,

Hazel M. Jones

Hazel M. Jones
Alarka Road
Bryson City, N. C.

As a bonified native of Swain County, North Carolina I would like to express my opinion about the bills to settle the 1943 agreement between Swain County, North Carolina and the United States Government.

I feel like many other Swain County residents do about these bills being presented. I feel the people should get a road to thier cemeteries on the north shore of Fontana Lake, as was promised back in 1943. the government agreed to build a road to the cemeteries that wasn't flooded by the backwaters of the Fontana Dam.

The government convinced the people that this land was needed, so the honest, hard-working, God- fearing mountain people, who loved thier country and would help it in any way they could, gave up thier homes, thier lands, and thier graveyards on the promise that they would get to come back to visit the graves of thier loved ones.

The government started to build a road but decided it wasn't important enough and work was stopped with a partially finished road that leads to nowhere.

Ever since then the people have been getting to thier cemeteries any way they could. The old people and the young alike have rode boats across the lake, climbed mud banks, waded creeks, and walked a considerable distance over rugged terrain to get to thier cemeteries.

Now that the environmentalists have decided they want The Great Smokey Mountain Park declared wilderness, some senators and congressmen are of the opinion that the government should renege on the promise of a road to the north shore of Fontana Lake.

The government should deal directly with former residents and descandants of former residents because they are the people who were forced to move from the homes they built with love and sweat and left with tears. Therefore, the 44,000 acres on the north shore of Fontana Lake should not be included in any wilderness bill.

Sincerely

Eric D. Jones

Eric D. Jones

Alarka Road
Bryson City, N. C.

March 16, 1984

I, Joan W. Shuler, a current member of the Bryson City Elementary Advisory Committee, support a settlement of the 1943 Fontana Agreement. I feel that a cash settlement would be in the best interest of Swain County citizens as the money could be applied toward capital expenses with priority emphasis placed upon new elementary school buildings, which are presently in extremely poor condition, for use by Swain County children. Such a settlement would allow school funds which are now being used to pay off the high school bonded indebtedness to go for other school needs. A settlement should also keep property taxes of Swain County residents from being increased.

Please be advised that I support ALL aspects of the Helms bill, which I feel would allow for long awaited federal obligations to be met to the satisfaction of the majority of Swain County citizens.

Respectfully submitted,

Joan W. Shuler
220 Pine Avenue
Bryson City, N.C. 28713

Victory Baptist Church
RT. 1. BOX 215 — NEW FONTANA HWY.
Bryson City, North Carolina 28713

THOMAS B. HARRIS, PASTOR

PHONE: 704/488-6404

March 15, 1984

Honorable Jessie Helms
Washington, D.C.

Dear Sir:

I am writing as a member of the Swain County School Advisory Board Committee in regards to the Swain County 1943 Settlement. I would like very much to see this settled as soon as possible with a fair and equably settlement to our county and all involved. Especially as it pertains to the school provision. Our county stands in great need in many areas.

Anything you can do to help in this matter will be greatly appreciated.

Respectfully yours,

Tom Harris

Tom Harris
Pastor

TH/mf

FHR

1984 MAR 30 PM

Rt. 5, Clark Road
Rutherfordton, NC 28139
March 15, 1984

Sen. Malcolm Wallop,

U.S. Senate Interior and Natural Resources Committee:
Subcommittee on Public Lands and Reserved Water
RE: Great Smokies Wilderness Bills

Gentlemen,

I love the Great Smoky Mountains for their natural beauty. I love the National Park which protects this unique range of mountains. I am indebted to the Rockefeller family and the many citizens of North Carolina and Tennessee for their foresight in setting aside this large area of mountains for the enjoyment of the public.

I am respectful of the sentiment of those who want the Federal Government to fulfill the "1943 Road Agreement". However, concerning the proposal of a new road, I believe the number of persons who are sincerely distressed over the problem of cemetery access to be very limited. And, I believe the number of persons who will someday enjoy the "north shore" area in a more natural state to be very great.

The concerns of a few today should be outweighed by tomorrow's need by millions for natural, undeveloped, roadless areas.

Sincerely,

Bruce E. Byers

Bruce E. Byers

(Please include this letter in the public Record.)

S. 1941

April 12, 1984

1984 3 15

Dear Senator Wallop,

Please include the following statement in the official Record of the March 27, 1983 hearing on Wilderness designation for the Great Smoky Mtns National Park.

As a backpacker, hiker and wilderness supporter I strongly urge you to realize that there is a strong supporting group that appreciates the opportunity to keep our country protected for future generations to enjoy. And as a TCWP member, I support the citizens wilderness proposal of 476,000 acres.

Sincerely,

Doug McSpadden
and
Susie Warlick

6800 Haverhill Drive
Knoxville, Tn 37919
April 13, 1984

1984 [illegible] 3: 09

S. 1947

Senator Malcolm Wallop
Chairman, Subcommittee on Public Lands
United States Senate
Washington, D.C. 20510

Dear Senator Wallop,

Please include the following statement in the official record of the March 27, 1984 hearing on wilderness designation for the Great Smoky Mountains National Park.

As members of Tennessee Citizens for Wilderness Planning and as private citizens, we support the Citizens' Wilderness Proposal of 476,000 acres. The Sasser - Baker bill, S. 1947, is acceptable, but would be improved by including the Parsons Branch and other administrative road corridors within the wilderness boundaries.

It would be better to have no bill at this time than the Helms - East bill S. 2183. We do not want or need another road to the Hazel Creek area from the North Shore Road. The park service provides access to families who wish to visit the cemeteries, so that does not seem to be sufficient reason to pass S. 2183. I am disappointed in Senator Baker for his recent change of heart in succumbing to Helms - East pressure.

I would also support payment of a monetary settlement to Swain County, N.C in place of building roads north of Fontana.

Thank you for your attention.

Sincerely yours
Shirley Nicholson (Mrs E.L.)
Edward L. Nicholson

55910

S. 1947
FYI

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and
Reserved Water
U.S Senate
Washington, D.C. 20510

1984 APR 12 PM 4:31

Dear Mr. Wallop:

With regard to the designation of wilderness area in the Great Smokey Mountain National Park, I support included 467,000 acres as provided in the Sasser-Baker bill S. 1947. I object to the Helms-East bill that allow for construction of roads the North Carolina portion of the park near Fontana Lake. The people in North Carolina already have adequate access to grave sites in the park.

The controversy with Swain County in North Carolina can be settled by simply arranging a monetary settlement in lieu of building roads

Please make this a part of the Senate hearing record on this particular matter.

Sincerely
Joe E. Holland Jr.
126 Riviera Dr.
Hendersonville, Tenn. 37075

March 28, 1984

Congressman James Clarke
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Clarke:

I am writing to express my concern for the future of the Great Smoky Mountains National Park and to thank you for your efforts to preserve the greatest possible area of wilderness acreage. The loss of our wilderness land will be an irreplaceable loss to this generation and its successors. The time has long passed when we could favor short lived and questionable economic profits gained at the expense of our environment's health and beauty. Wilderness lost in a world whose population is ever growing is wilderness lost forever. I would also ask that this letter be made a part of the hearing record. Again, thank you for your interest in the Great Smoky Mountains.

Respectfully yours,
George Reeter

George Reeter
Rt. 66, Box 53B
Cullowhee, NC 28723

FWR
S 1947

1984 MAR 27 AM 11:

3440 Ginn Rd
Knoxville TN, 37920
March 22, 1984

Senator Malcolm Wallop, Chairman
Subcommittee on Public Lands and Reserved Water
United States Senate
Washington, D.C. 20510

Dear Sir,

Please support the Sasser-Baker bill S1947 which provides the designation of 467,000 ~~acres~~ acres of the Great Smoky Mountain National Park as the minimum Wilderness in the Park.

I object to the provision of the Helms-East bill which would reduce this acreage and legislate construction of roads in North Carolina north of Fontana Lake.

Resolve the 40-year old controversy over the construction of roads north of Fontana Lake by paying Swain County a monetary settlement in lieu of building roads.

Sincerely,
Jessie Dempster

FJR

Honorable Malcolm Wallop
Chairman of the Subcommittee
On Public Lands and Reserved Waters
Room 308, Senate Dirksen Bld.
Washington, D.C. 20510

1984 MAR 23 11: 31

Clyde J. Standback Jr.
Rt. 3, Box 415
Cleveland, Tenn. 37311

S. 1947

March 21, 1984

Dear Senator Wallop,

On March 16, 1984, a public hearing was held in Bryson City, North Carolina concerning two senate bills now before your subcommittee. These bills, introduced by Senator Helms (S.2183) and Senator Sasser (S.1947), designate certain lands within the Great Smoky Mtn. National Park (GSMNP) as wilderness and for other purposes.

I would like to submit my written testimony concerning these bills and ask that you include my testimony in this hearing record.

After reviewing both bills, I understand that there are two points of contention between them. Senator Helms' bill S.2183 proposes 44,170 less acres of the GSMNP be declared wilderness than does Senator Sasser's bill S.1947. These 44,170 acres are in the southern section of the park in Swain County, North Carolina and are contiguous to the north shore of Fontana Lake. Senator Helms' bill S.2183 would also construct a 19.5 mile road inside these 44,170 acres while Senator Sasser's bill S.1947 proposes no road construction. The road that Senator Helms' bill would construct would allow motoring access for nearby residents of Swain County, N.C.

Since 1972, I have frequently visited this section of the GSMNP where Senator Helms' bill S.2183 would construct this road. This particular area of the park is well preserved and I am convinced that if the road was constructed, it would rob the GSMNP of one of its most beautiful natural settings.

The GSMNP was established as a natural resource for all the people of the United States. Last year, nearly nine million of these people, including myself, visited this park for what it offers, an experience with nature which should be preserved and protected for future generations. Senator Helms' bill, S.2183 adversely affects a portion of this national park only to serve the interests of a few residents of Swain County, N.C. Senator Sasser's bill S.1947 provides a monetary settlement to the people of Swain County for not constructing this road. Senator Sasser's bill also continues to guarantee future access to the cemeteries for those who so desire.

In the interest of the majority of people who want the Great Smoky Mtn. National Park preserved and protected, I strongly urge your subcommittee to submit only Senator Sasser's bill S.1947 for senate vote.

Sincerely,

C. J. Strausberry Jr.

This is a statement from Christine C. Proctor. I am from the Forney Creek Section of Swain Co. My forefathers, both Woody and Cole Were pioneer settlers of this area. We lived here untill the Fontana Dam forced us away. My earliest memories, are going with my family to the Woody, Hoyle and Monteith Cemetaries. I was youngest of seven Children, so my father Would carry me on his shoulders. My Point is how important this training is to my life. I have two Children Celyn and Michael, and Would like to share some of our heritage with them. I do hope that the 44 thousand acres containing the Cemetries will not be considered for wilderness. I strongly favor some type of Vehicular access to these Cemetaries.

Sincerely,
Christine C. Proctor

S. 1947
FJR

E. Sonder
102 Woodridge Lane
Oak Ridge TN 37830

1984 MAR 26 AM 11: 13

22 March 1984

Sen Malcom Wallop, Chmn,
Subcomittee on Public Lands
US Senate Office Bldg
Wash DC 20510

Dear Senator Wallop;

I'm writing with respect to Wilderness Status for the more inaccessible portions of the Great Smokies National Park. I was not able to attend the recent hearing in Bryson City ~~and~~ ~~therefor~~ but would would like to have my wishes, as stated below, included in the public record.

I support Wilderness Status for the full 476 000 acres proposed under the Citizens Wilderness proposal, and would find the Sasser-Baker (S.1947) bill acceptable as a compromise, especially if certain administrative road corridors are also designated wilderness. The Helms bill, S 2183 is not acceptable!! A road as proposed in that bill, which leads into the ~~hat~~ heart of the wilderness North of Fontana Lake is completely unnecessary and would be destructive of the large wilderness concept. It is self evident that the Smokies area is

Just about the only place in the East for a large wilderness to exist. Its value as a retreat for people, as a haven for animals and refuge for plants is incalculable!

In summary please support the Sasser-Baker (S 1947) efforts and block the Helms-East (S 2183) attempts to find favor in Swain County.

Yours sincerely,
Edward Sonder
102 Woodridge Lane
Oak Ridge TN 37830

This is a statement from Elizabeth Cole Bradburn. I was born on Forney Creek and lived there un till the Construction of the Fontana Dam in 1943. My forefathers were Pioneer settlers of this area, and I believe our culture and heritage are founded there. We were promised a road back to our Cemetaries and homeland. I feel it is time something is done about this situation. Much money has been spent, and still no road. My husband Alvin, is not well and I have a heart condition, so we have no chance to take our Children back and share with them some of our heritage that I well remember and love. I would like to see this matter settled, by the building of a road that was promised or return the land to the people.

Not being a Citizen of Swain Co. I believe the promised road is the only fair way to settle this matter for all Concerned.

Elizabeth Bradburn

28-C Reese Street
Asheville, NC 28804

March 25, 1984

Sen. Jessie Helms
P.O. Box 2944
Hickory, NC 28603
Attn. Jo Murray

Dear Mrs. Murray,

I would like the following letter entered into the records of the congressional hearing held in Bryson City, North Carolina on March 16, 1984. This letter may stand as my testimony in support of Sen Helms & East's bill providing a road along the North Shore of Fontana Lake, Swain County.

Thank-you,
C Celyn Proctor

28-C Reese Street
Asheville, NC 28804

March 23, 1984

Senator Jessie Helms
P.O. Box 2944
Hickory, North Carolina 28603

Dear Mr. Helms,

I wish to express my support for the bill proposed by yourself and Senator East which will provide for an access road in addition to the cash settlement for the citizens of Swain County. This is the only fair settlement to a dispute which has gone unsettled for forty years. The citizens displaced by the Fontana Dam project were promised, in writting, a road, along the North Shore of Fontana Lake, to provide access to the grave sites of the families they left behind. Their land and their heritage are very important to the people of western North Carolina. The land was taken long ago. It is only just that these people be allowed to preserve their heritage by revisiting the grave sites of their dead. An access road is a small token from the federal government in comparison to the price these people paid in leaving their homes and the land as well as lifestyles They knew and loved.

Sincerely yours,
C. Celyn Proctor

This is a statement from Leonard M. Cole. I was born in the Forney Creek section of Swain Co. My forefathers settled this area and we called it home untill the Fontana Dam forced us to move in 1943. Relocating was very hard without transportation. access to our Homeland and Cemetaries was definately promised. Care for our Cemetaries was a very important part of our lives. We had set days, and a community effort put them in good shape for Decoration Day. It is my Desire that the 44 thousand acres in which these Cemetaries are located be left out of Wilderness, and we need Vehicular access to them.

Leonard M. Cole
RT. 1 Box 82
Bryson City, N.C.

Bryson City
March 14, 1984

Sen. Malcolm Wallop:

As a member of the Bryson City Elementary School Advisory Board, I feel that it is of vital interest to the schools that the controversy between the U.S. Government and Swain County be settled.

Our schools have suffered as a result of the loss of the land in the 1943 Fontana Agreement. With the loss of the land the county became poorer because of a lower tax base. There was less money available for use in schools. As you know Swain County is one of the poorer counties in the state and rates very high in unemployment.

With the settlement of the controversy the indebtness against

Swain High School would be removed. This would enable the county to use some of the cash settlement in improving our elementary schools and making further improvements in high school. Our buildings are old and inadequate. Without additional funds Swain County Schools will continue the old policy of "making do".

Our children are our investment for the future. They deserve the same quality of education as the children from the larger, wealthier counties.

Nell Potts
Bryson City Elem. School

March 8, 1984

Hon. Jesse Helms
Senate
Washington, D.C.

Dear Sir:

Regarding your bill (S-2189) to solve the controversy between Swain County and the U.S. government, I'd like to tell you a little of our life style there.

We weren't rich nor did we have fine homes but we took great pride in ourselves and in what we did have. We raised most of our food and made most of our clothes. We were proud of our ability to cook good meals, keep a clean house, and meet any challenge that came our way. We had love for each other that is missing in many homes today. We grew up looking forward to spring time and Decoration Day. We had our church service in the cemetery's on that special day. It was so beautiful.

We had an Accredited High School that was up to any standards that I know of, even now. We had no drug problems, no juvenile delinquents because children were taught to honor their fathers and mothers and to respect their elders.

Our opposition would have you think that we were a group of imbeciles that couldn't tell the time of day. We have school teachers, nurses, engineers and many others that are off-spring from them, that can compete with any class today. I am proud of my heritage and am doing everything that I can to pass it on to my children and Grandchildren. The Lord is rewarding me for my efforts, too.

World War II came before we had to leave, permanently. Many boys went to France, Germany and the S. Pacific to fight for our country. Wives and children were left, not knowing which way to turn to find a home. I was one of that number. When our husbands came back, it was to a different county and an entirely different way of life.

When TVA bought the land the promise was to the people who had to leave their homes. It was not to Bryson City Commissioners. They promised to build a road to take the place of 288 so we could go back to our cemeteries. A promise is a promise, no matter who you make it to.

The Sierra Club and Environmentalist were unheard of then, so why consider them now.

We have a good road to all national cemeteries on Memorial Day. Bands play, big speeches are made and flowers placed on their graves; We have no adequate way to our dead. My Great-grandfather, wounded at Gettysburg is in the Fairview cemetery behind the Lake. My great uncle is in Bone Valley. He was taken prisoner at Gettysburg. That is only a few. Why are they not due as much respect as any soldier that has fought to keep America free?

I have been told that the Park claims to have provided ways of access for the past eight or more years. That is untrue. Until the last three years people went in private motor boats, in a barge that my brother built and operated and a barge from Fontana where each person paid his or her own fare.

The only solution to this is passage of the Helms Bill. We could have a ten foot gravel road at a minimum cost that would be perfect for 4 wheel drive vehicles. Swain County could have the school bill paid and whatever else they had in mind.

The Wilderness phase of the bill would be the right one, too. The Indians have suffered enough. Lets keep it free to all; not just a select few.

There is a gravel pit near Wayside that could supply enough gravel for many roads and it wouldn't hurt the environment, either.

Senator Helms if you can put this through you will take many votes from Mr. Hunt. The biggest mistake of his life was to say that road would be a great tragedy. I think he can count the cost in November.

My husband (Fred Chandler) would like to speak at Bryson City March 16 if possible. He's using part of my letter.

Thank you for the many things you have done for North Carolina and our Nation in your terms in Office

Sincerely

Mrs. Fred (Ruth) Chandler
Rt. 1 Box 126
Waynesville, N.C. 28786

FYR

NORTH SHORE CEMETERY ASSOCIATION

1984 SCHEDULE FOR HOMECOMINGS AND DECORATIONS

As we make plans for homecomings this year please note Cable Cemetery will be visited on May 27, 1984. We encourage each family to buy markers for the unmarked graves and graves with broken markers. The price is $25.00 for 8" x 16" markers. Foot markers are $3.00. Contact a committee member if you want us to place the order for you. Continue to bring flowers for each grave. Each person is responsible for their lunch and drinks.

DATES	CEMETERIES	DEPARTURE PLACE	TIME
April 29, 1984	Upper & Lower Noland	Parking Area of Noland Crk.	2:00PM
May 6, 1984	Woody & Hoyle	Wilderness Marina	10:00AM
May 13, 1984	Payne & Orr	______________________	10:00AM
May 27, 1984	Cable	Cable Cove	10:00AM
June 3, 1984	Pilkey & Posey	Cable Cove	10:00AM
June 10, 1984	Conner & Stiles	Road to No Where	2:00PM
June 24, 1984	Bone Valley & Hall	Cable Cove	10:00AM
July 1, 1984	Proctor & Bradshaw	Cable Cove	10:00AM
July 15, 1984	Fairview & Cook	Cable Cove	10:00AM
July 29, 1984	Cable Branch	Cable Cove	10:00AM
August 12, 1984	Higdon, Wike, Calhoun	Cable Cove	10:00AM
August 26, 1984	Welch & McClure	Panther Creek	10:00AM
Sept. 23, 1984	Forks of Noland Creek	Parking Area of Noland Crk.	10:00AM
October 7, 1984	Mitchell	Cable Cove	10:00AM

On September 16, 1984, the Hazel Creek, Fontana Area Reunion will be held at Deep Creek Campground Shelter at Bryson City.N.C. Bring your lunch, family, friends, pictures and stories and anything of interest to share. This will be the only letter you receive so please pass on this information to your family and friends.

Mrs. Helen C. Vance
Rt. 3 Box 299
Sylva,N.C. 28786
PH 586-4898

Mrs. Mildred C. Johnson
Box 610
Andrews,N.C. 28901
PH 321-4951

Mrs.Ruth V. Hicks
205 Brookside Ct.
Waynesville,N.C.
PH 456-7872

BRYSON CITY, NORTH CAROLINA

RESOLUTION

The Town Board of Alderman of Bryson City, North Carolina, during special session, did conduct the following business:

WHEREAS, on October 8, 1943 Swain County, the State of North Carolina, the Tennessee Valley Authority and the U.S. Department of of Interior entered into that certain agreement which commonly came to be known as the "1943 Agreement", and the same is attached as Appendix "A"; and

WHEREAS, the U.S. Department of Interior in 1949 did commence construction of the North Shore Road and completed approximately a mile in length leading from Fontana Dam; and

WHEREAS, construction work on the North Shore Road ceased until the State of North Carolina agreed in 1959 to construct a road from Bryson City to the Great Smoky Mountains National Park boundary and thereby causing the U.S. Department of Interior a year later to resume construction; and

WHEREAS, the parties to the 1943 Agreement (or assignees) did attempt to enter into an agreement in 1965 that proposed a 34.7 mile transmountain road in exchange for construction of the North Shore Road, and construction of the North Shore Road has been terminated at the end of the tunnel completed in 1969; and

WHEREAS, the Department of Interior to date has not been able to discharge its obligations under the above-mentioned contract; and

WHEREAS, the parties to the above-mentioned contract did in October, 1979 establish a Study Committee to make recommendation for a resolution of the 1943 Agreement; and

WHEREAS, the Study Committee did make recommendation, and based upon said recommendation the Swain County Commissioners, taking into consideration the recreational-economic potential of Swain County immediately adjacent to the Great Smoky Mountains National Park and national interest of the park's preservation, endorsed introduction of House Bill 8419 as introduced by the Honorable Lamar Gudger attached hereto as Appendix "B" and approved by then Secretary of the Interior Cecil Andrus as the resolution to the 1943 Agreement; and

WHEREAS, said above legislation was introduced in the U.S. House of Representatives and like legislation in the U.S. Senate during a lame duck session and was not passed prior to Congress recessing; and

WHEREAS, Senator Baker and Senator Sasser of Tennessee have co-sponsored legislation in the United States Senate and a portion of Senate Bill 1947 does provide for an equitable resolution of the 1943 Agreement; and

WHEREAS, Congressman Duncan of Tennessee and Congressman Clarke of North Carolina have co-sponsored legislation in the Unites States House of Representatives and a portion of House Bill 4262 does provide for an equitable resolution of the 1943 Agreement;

WHEREFORE, BASED UPON THE FOREGOING, the Bryson City Town Board of Alderman do hereby endorse and support the passage of the bipartisan legislation currently pending before Congress, to-wit Senate Bill 1947 and House Bill 4262; and

FURTHERMORE, the Bryson City Town Board of Alderman strongly encourage not only the North Carolina delegation, but all members of the U.S. Congress, to commemorate the fiftieth anniversary of the establishment of the Great Smoky Mountains National Park by passage of Senate Bill 1947 and House Bill 4262.

This the 13th day of December, 1983.

Passed by unanimous vote.

BRYSON CITY-- TOWN BOARD OF ALDERMAN

P.R. Bennett Jr
MAYOR

William G. Dauer
MAYOR PRO TEM

H L Bacon
MEMBER

J K. Sigwick
MEMBER

Georgianna M. Carson
MEMBER

(SEAL)

SWAIN COUNTY, NORTH CAROLINA

RESOLUTION

The Swain County Commissioners, during regular session, did conduct the following business:

WHEREAS, on October 8, 1943 Swain County, the State of North Carolina, the Tennessee Valley Authority and the U. S. Department of Interior entered into that certain agreement which commonly came to be known as the "1943 Agreement", and the same is attached as Appendix "A"; and

WHEREAS, the U. S. Department of Interior in 1949 did commence construction of the North Shore Road and completed approximately a mile in length leading from Fontana Dam; and

WHEREAS, construction work on the North Shore Road ceased until the State of North Carolina agreed in 1959 to construct a road from Bryson City to the Great Smoky Mountains National Park boundary and thereby causing the U. S. Department of Interior a year later to resume construction; and

WHEREAS, the parties to the 1943 Agreement (or assignees) did attempt to enter into an agreement in 1965 that proposed a 34.7 mile transmountain road in exchange for construction of the North Shore Road, and construction of the North Shore Road has been terminated at the end of the tunnel completed in 1969; and

WHEREAS, the Department of Interior to date has not been able to discharge its obligations under the above-mentioned contract; and

WHEREAS, the parties to the above-mentioned contract did in October, 1979 establish a Study Committee to make recommendation for a resolution of the 1943 Agreement; and

WHEREAS, the Study Committee did make recommendation, and based upon said recommendation the Swain County Commissioners, taking into consideration the recreational-economic potential of Swain County immediately adjacent to the Great Smoky Mountains National Park and national interest of the park's preservation, endorsed introduction of House Bill 8419 as introduced by the Honorable Lamar Gudger attached hereto as Appendix "B" and approved by then Secretary of the Interior Cecil Andrus as the resolution to the 1943 Agreement; and

WHEREAS, said above legislation was introduced in the U. S. House of Representatives and like legislation in the U. S. Senate during a lame duck session and was not passed prior to Congress recessing; and

WHEREAS, Senator Baker and Senator Sasser of Tennessee have co-sponsored legislation in the United States Senate and a portion of Senate Bill 1947 does provide for an equitable resolution of the 1943 Agreement; and

WHEREAS, Congressman Duncan of Tennessee and Congressman Clarke of North Carolina have co-sponsored legislation in the United States House of Representatives and a portion of House Bill 4262 does provide for an equitable resolution of the 1943 Agreement;

WHEREFORE, BASED UPON THE FOREGOING, the Swain County Commissioners do hereby endorse and support the passage of the bipartisan legislation currently pending before Congress, to-wit Senate Bill 1947 and House Bill 4262; and

FURTHERMORE, the Swain County Commissioners strongly encourage not only the North Carolina delegation, but all members of the U. S. Congress, to commemorate the fiftieth anniversary of the establishment of the Great Smoky Mountains National Park by passage of Senate Bill 1947 and House Bill 4262.

This the 12th day of December, 1983.

Passed by unanimous vote.

SWAIN COUNTY BOARD OF COMMISSIONERS

J. L. Coggins

JAMES L. COGGINS, CHAIRMAN

Meredith Bacon

MERCEDITH BACON, MEMBER

BILL STYLES, MEMBER

(SEAL)